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STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE SESSION HELD IN THE

TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE FOURTH SESSION OF THE EIGHTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Eighth day of August, in the year of Our
Lord One Thousand Eight Hundred and Sixty-five.



HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ALPO DOMINI, 1865.

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ANNO VICESIMO-NONO

VICTORIÆ REGINÆ.

C A P . I .

An Act to amend the Act intituled : *An Act containing special Provisions concerning both Houses of the Provincial Parliament.*

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. After the second sub-section of the seventh section of the Act, intituled : *An Act containing special Provisions concerning both Houses of the Provincial Parliament*, being the section thereof relating to penalties on disqualified persons sitting or voting in the Provincial Parliament, shall be added the following as third, fourth and fifth sub-sections to the said section, that is to say :

New subsec-
tion added to
section 7 of
Con. Stat. of
Can. c. 3.

3. In case any such action, suit or information be brought, and judgment therein be recovered against the defendant, no proceedings shall be had in any other such action, suit or information against the same person, for any such offence committed before the time of notice to him of the recovery of such judgment ;

Proceedings
after recovery
of judgment.

4. While any such action, suit or information shall be pending, no other such action, suit or information shall be brought against the same defendant ;

While action
pending no
new action to
be brought.

5. The Court wherein any such other action, suit or information is brought, contrary to the intent and meaning of this Act, shall and may, upon the defendant's motion, stay the proceedings therein, if such first mentioned action, suit or information be prosecuted without fraud, and with effect ; but no action, suit or information shall be deemed an action, suit or information within this Act, unless so prosecuted.

Proceedings in
such other ac-
tion may be
stayed and
how.

C A P .

CAP. II.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending thirtieth June, 1866, and for other purposes connected with the Public Service.

[Assented to 18th September, 1865.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Charles Stanley, Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province not otherwise provided for, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-six, and other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

\$5,006,145 08
granted out of
Gen. Rev.
Fund for pur-
poses mention-
ed in the
Schedule.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum not exceeding in the whole five million, six thousand, one hundred and forty-five dollars, and two cents, for defraying the several charges and expenses of the Civil Government of this Province, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-six, not otherwise provided for, and set forth in the Schedule to this Act, and for the other purposes therein mentioned.

Certain sums
paid out of vote
of credit to be
charged as paid
out of those
granted by this
Act, and any
unexpended
balance of vote
of credit can-
celled.

2. The amount of such sums of money as may have been paid during the first quarter of the present financial year, for or on account of any of the services mentioned in the Schedule to this Act, out of the sum of two million dollars granted for such services by the Act passed in the now last session of the Provincial Parliament, chapter three, shall be charged as having been paid out of the sums granted for such services by this Act, and the balance of the said grant of two million dollars after deducting the amount expended up to thirtieth June, one thousand eight hundred and sixty-five, as detailed in a statement laid before the Legislative Assembly, viz: one million six hundred and sixty-three thousand five hundred and sixty-seven dollars and twenty-four cents, shall be cancelled and returned to the Consolidated Revenue Fund.

3. It shall be lawful for the Governor in Council to authorize the raising, by way of loan, on the credit of the Consolidated Revenue Fund of this Province, of a sum not exceeding one million dollars, to be placed to the credit of the said Consolidated Revenue Fund, towards making good the sums charged on the said Fund by this Act, for the Public Service.

Loan of \$1,000,000 authorized on credit of Con. Rev. Fund.

4. For the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the sale of Provincial Stock, or the issuing of Debentures, or both, to an amount not exceeding in the whole the sum last aforesaid; and any Debentures so to be issued may be in such form, for such separate sums, at such rate of interest, not exceeding six per cent. per annum, and the principal and interest thereon may be made payable at such periods and at such places, as to the Governor in Council shall seem most expedient; the said principal and interest being hereby made chargeable on the Consolidated Revenue Fund of this Province.

How to be raised.

Rate of interest, &c.

5. The sum of twenty thousand two hundred dollars appropriated by the Schedule to this Act for certain Gaols and Court Houses in Lower Canada, shall and may be paid and applied out of the Lower Canada Building and Jury Fund, for the purposes mentioned in the said Schedule;

\$20,200 out of Special Fund.

And the sum of twenty-five thousand dollars appropriated by the said Schedule towards the enlargement of the Lunatic Asylum at Toronto, shall and may be paid and applied for that purpose out of the Upper Canada Building Fund.

\$25,000 out of Special Fund.

6. Accounts in detail of the moneys expended under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

Accounting clause to Parliament.

7. The due application of all moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Accounting clause to Her Majesty.

SCHEDULE.

Sums granted to Her Majesty by this Act and the purposes for
which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Civil Government.</i>		
Governor General's Secretary's Office	1,976 00	
Provincial Secretary's Office	12,266 80	
Provincial Registrar's Office	4,945 00	
Receiver General's Office	12,185 00	
Department of the Minister of Finance	\$12,100 00	
Do Customs Branch	14,330 00	
Do Audit Branch	10,370 00	
	36,800 00	
Executive Council Office	8,950 00	
Department of Public Works	\$12,217 50	
Do Engineering Branch	8,792 50	
	21,010 00	
Bureau of Agriculture	17,475 00	
Post Office Department	24,240 00	
Crown Lands Department	\$52,686 00	
Do Indian Management Branch	6,620 00	
	59,306 00	
Office of the Attorney and Solicitor General, East	2,410 00	
Do West	4,838 32	
Contingencies	60,000 00	
Arrears of Salaries, Governor Secretary's Office	154 66	
		266,556 78
<i>Administration of Justice, Canada East.</i>		
To meet Salaries and contingent expenses, not otherwise provided for		170,000 00
<i>Administration of Justice, Canada West.</i>		
To meet Salaries and contingent expenses, not otherwise provided for		37,910 00
<i>Police.</i>		
Expenses of the River Police, Quebec, for the present year	11,000 00	
Do do Montreal, do (whereof \$3,700 to be repaid by Harbour Commis- sioners)	11,000 00	
		22,000 00
<i>Carried over</i>		\$496,466 78

SCHEDULE.

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		496,466 78
<i>Penitentiary, Reformatories and Prison Inspection.</i>		
<i>Provincial Penitentiary—</i>		
Maintenance — (against which there will be revenue estimated at \$40,000..	\$107,400 00	
Building Materials, &c	8,500 00	
	115,900 00	
<i>Rockwood Asylum—</i>		
Building Materials	\$5,650 00	
Salaries of Architect, Officers and Guards connected with Building operations..	7,490 00	
Heating and lighting buildings, and making provision for water supply...	20,400 00	
	33,540 00	
Maintenance	16,115 00	
	49,655 00	
<i>Reformatory Prison at Penetanguishene—</i>		
Maintenance	\$20,500 00	
New buildings	11,650 00	
	32,150 00	
<i>Reformatory Prison, St. Vincent de Paul—</i>		
Maintenance	\$21,550 00	
To replace Stores, Furniture and Tools destroyed by fire 7th August, 1864, and for fencing, &c., &c.....	7,530 00	
	32,080 00	
<i>Inspection of Prisons and Asylums</i>	11,000 00	
		240,785 00
<i>Legislation.</i>		
<i>Legislative Council—</i>		
Salaries and contingent expenses. (Two Sessions)..	63,120 00	
<i>Legislative Assembly—</i>		
Salaries and contingent expenses. do ..	244,280 00	
<i>Miscellaneous—</i>		
Printing and binding the Laws (2 Ses- sions	\$35,000 00	
Distributing do do	4,000 00	
Printing Civil Code for Lower Canada.	10,000 00	
Grant to Parliamentary Library	4,000 00	
Salary of Clerk of the Crown in Chan- cery	1,280 00	
Contingencies of do do	600 00	
	54,880 00	
		362,280 00
<i>Carried over</i>		\$1,099,531 78

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1,099,531	78
<i>Education.</i>				
Additional sum for Common Schools Upper and Lower Canada (6,000 of which out of the Lower Canada share to be applied to Normal Schools).....	160,000	00		
Aid to Superior Education Income Fund, Lower Canada.....	\$25,000	00		
Do do Upper Canada.....	25,000	00		
	50,000	00		
To be distributed as follows:				
Victoria College, Cobourg.....	\$5,000	00		
Queen's College, Kingston.....	5,000	00		
Regiopolis, College, do.....	3,000	00		
St. Michael's College, Toronto.....	2,000	00		
Trinity College, do.....	4,000	00		
Bytown College, Ottawa.....	1,400	00		
L'Assomption College, Sandwich.....	1,000	00		
Grammar School Fund, U. C.....	3,600	00		
	\$25,000	00		
Additional sum for Common Schools, Upper and Lower Canada, the proportion for Upper Canada, to be applicable to Grammar Schools.....	32,000	00		
Advance to Superior Education Fund, Lower Canada, to meet the deficit of Income.....	30,000	00		
Salaries and Contingencies of Department of Education.....	L. C.	19,485	00	
Do do do U. C.....		13,600	00	
			305,085	00
<i>Literary and Scientific Institutions.</i>				
Observatory Quebec—to defray expenses.....	2,400	00		
Do Toronto do.....	4,800	00		
Do Kingston do.....	500	00		
Do Montreal do.....	500	00		
Aid to Medical Faculty McGill College, Montreal.....	750	00		
Do do Victoria College, Cobourg.....	750	00		
Do School of Medicine, Montreal.....	750	00		
Do do Toronto.....	750	00		
Do do Kingston.....	750	00		
Do Canadian Institute, Toronto.....	750	00		
Do Natural History Society, Montreal.....	750	00		
Do Literary and Historical Society, Quebec.....	750	00		
Do Canadian Institute, Ottawa.....	300	00		
Do Athenæum, do.....	300	00		
			14,800	00
<i>Carried over</i>			1,419,416	78

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over.</i>		1,419,416 78
<i>Hospitals and Charities.</i>		
<i>Marine and Emigrant Hospital, Quebec</i>	21,098 00	
<i>Provincial Lunatic Asylum, including University Branch, Toronto—Maintenance, &c.</i>	69,530 00	
<i>Orillia Lunatic Asylum—</i>		
Maintenance for the current year . . . \$14,750 00		
Additional to meet outstanding liabilities of last year.	2,350 00	
	17,100 00	
<i>Malden Lunatic Asylum—Maintenance</i>	27,600 00	
<i>St. John's Lunatic Asylum—do</i>	14,500 00	
<i>Beaufort Lunatic Asylum, Quebec</i>	\$80,000 00	
Arrears of last year.	10,653 69	
	90,653 69	
<i>Shipwrecked Mariners.</i>	600 00	241,081 69
<i>Geological Survey.</i>		
To meet expenses of the Geological survey of the Province of Canada, for the year ending 30th June, 1866.		20,000 00
<i>Arts, Agriculture and Statistics.</i>		
Aid to Boards of Arts and Manufactures, Upper and Lower Canada, at \$2,000 each.	4,000 00	
Printing, &c., specifications and drawing of Patents . . .	3,000 00	
Dublin Exhibition—Balance.	1,000 00	8,000 00
<i>Agricultural Societies.</i>		
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4,000 each.		8,000 00
<i>Emigration.</i>		
Salaries and Contingent expenses of the Emigration Department and for maintenance of the Quarantine Establishment at Grosse Isle		49,000 00
<i>Pensions.</i>		
Samuel Waller, as late Clerk of Committees to the Legislative Assembly, Lower Canada	400 00	
John Bright, as late Messenger do do	80 00	
Louis Gagné, do do do	72 00	
<i>Carried over</i>	552 00	1,745,498 47

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	552 00	1,745,498 47
<i>Pensions—Continued.</i>		
G. B. Faribault, as late Clerk Assistant, Legislative Assembly	1,600 00	
Mrs. Catherine Antrobus	800 00	
Mrs. Charlotte McCormick	400 00	
Pierre Bouchard, for wounds received in the Public Service	100 00	
Jacques Brien do	80 00	
		3,532 00
<i>Indian Annuities.</i>		
New Indian Annuities	4,400 00	
Lower Canada Indians	400 00	
		4,800 00
Rents, Insurances and Repairs, Public Buildings—Including two years's Rent of Rideau Hall.....		53,000 00
<i>Roads and Bridges.</i>		
Colonization Roads of Upper Canada	\$50,000 00	
Do Lower Canada	50,000 00	
	100,000 00	
Balance of Improvement Fund	41,739 40	
		141,739 40
<i>Ocean and River Steam Service.</i>		
Tug Service between Montreal and Kingston	12,500 00	
Provincial Steamers	60,000 00	
		72,500 00
<i>Light-Houses and Coast Service.</i>		
Trinity House, Quebec, as per detailed Estimates	44,221 10	
Trinity House, Montreal, do	24,950 00	
Inland Lake and River Lights	4,000 00	
Allowance to Pierre Brochu for residing at Lake Matapediac, on the Kempt Road, to assist travellers thereon	\$100 00	
Allowance to Marcel Brochu, do at Petit Lac	100 00	
Do to Jonathan Noble, do at La Fourche	100 00	
Do to Thomas Evans, do at Assametuquagan	100 00	
	400 00	
Proportion of expense of maintenance of Light-Houses on Islands of St. Paul and Scattered, in the Gulf	2,500 00	
		112,071 10
<i>Carried over</i>		2,183,140 97

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		2,133,140 97
<i>Culling Timber.</i>		
Salaries and Contingent Expenses of Supervisor of Cullers' Office, Quebec and Montreal, (exclusive of Fees to Cullers).....		20,000 00
<i>Fisheries.</i>		
Lower Canada, (including Bounties).....	20,000 00	
Upper Canada.....	2,200 00	22,200 00
<i>Railway and Steamboat Inspection.</i>		
Railways.....	5,000 00	
Steamboats.....	6,500 00	11,500 00
<i>Miscellaneous.</i>		
For Miscellaneous Government Printing.....	6,000 00	
For Advertisements and Subscriptions, Canada Gazette.....	6,500 00	
For Postages of Canada Gazette.....	800 00	
Removal to Ottawa, additional.....	50,000 00	
Miscellaneous unforeseen expenses of the Public Service.....	60,000 00	
Shipping Master's Office.....	1,200 00	
Costs of Suit in re H. McCarthy.....	530 00	
To pay advertising Official Assignees under Insolvent Act, By Board of Trade, Montreal.....	71 15	125,101 15
<i>Collection, Maintenance and other Charges on Revenue.</i>		
Customs (exclusive of duties refunded).....	330,000 00	
Excise (exclusive of commissions).....	10,000 00	
Public Works, Maintenance.....	\$125,000 00	
Do Repairs.....	125,000 00	
Do Collection & Miscellaneous.....	40,000 00	290,000 00
Territorial Surveys, U. Canada, \$30,000 00		
Do do L. Canada 30,000 00		
	\$60,000 00	
Do Miscellaneous Expenditure..	94,000 00	154,000 00
Hamilton and Port Dover Road.....	3,500 00	
Fines and Forfeitures, Stamps, &c. (exclusive of commissions).....	10,000 00	797,500 00
<i>Carried over</i>		3,109,442 12

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		3,109,442 12
<i>Hospitals and Charities.</i>		
Aid to Toronto Hospital..... Toronto..	6,400 00	
Do do for County Patients..... do ..	4,800 00	
Do Toronto House of Industry..... do ..	2,400 00	
Do Protestant Orphans' Home and Female Aid Society..... do ..	640 00	
Do Magdalen Asylum..... do ..	480 00	
Do Roman Catholic Orphan Asylum .. do ..	640 00	
Do Lying-in Hospital..... do ..	480 00	
Do Girls Home and Public Nursery..... do ..	320 00	
Do House of Providence..... do ..	320 00	
Do Deaf and Dumb Institution for U. C..... do ..	3,000 00	
Do Indigent Sick..... Quebec ..	3,200 00	
Do Hospice de la Maternité..... do ..	480 00	
Do Charitable Ladies Association of the Roman Catholic Orphan Asylum. do ..	480 00	
Do Asylum of the Good Shepherd..... do ..	640 00	
Do Managers of the Protestant Female Orphan Asylum..... do ..	320 00	
Do Finlay Asylum..... do ..	320 00	
Do Male Orphan Asylum..... do ..	320 00	
Do St. Bridget's Asylum..... do ..	320 00	
Do Ladies' Protestant Home .. do ..	320 00	
Do Canada Military Asylum for Widows and Orphans..... do ..	160 00	
Do Indigent Sick..... Montreal ..	3,200 00	
Do General Hospital des Sœurs de la Charité..... do ..	800 00	
Do Corporation of the General Hospital... do ..	4,000 00	
Do St. Patrick's Hospital..... do ..	1,600 00	
Do Sœurs de la Providence..... do ..	1,120 00	
Do Bonaventure Street Asylum..... do ..	430 00	
Do Nazareth Asylum for the Blind and for Destitute Children..... do ..	430 00	
Do St. Patrick's Roman Catholic Orphan Asylum..... do ..	640 00	
Do Protestant Orphan Asylum..... do ..	640 00	
Do House of Refuge..... do ..	480 00	
Do Ladies Benevolent Society for Widows and Orphans..... do ..	320 00	
Do University Lying-in Hospital..... do ..	480 00	
Do Lying-in Hospital under care of Sœurs de la Miséricorde..... do ..	480 00	
Do Deaf and Dumb Institutions..... do ..	3,000 00	
Do Roman Catholic Orphan Asylum..... do ..	320 00	
Do Magdalen Asylum (Ladies of Bon Pasteur). do ..	320 00	
Do Montreal Dispensary..... do ..	320 00	
Do Montreal Home and School of Industry do ..	320 00	
<i>Carried over</i>	41,910 00	3,109,442 12

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	44,940 00	3,109,442 12
<i>Hospitals and Charities.—Continued.</i>		
Aid to St. Vincent de Paul Asylum, Montreal.	430 00	
Do Kingston General Hospital, Kingston	4,800 00	
Do House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
Do Hôtel-Dieu Hospital, Kingston	800 00	
Do Orphans' Home, Kingston	640 00	
Do Hamilton Hospital, Hamilton	4,800 00	
Do Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
Do Roman Catholic Asylum, Hamilton	640 00	
Do Indigent Sick, Three Rivers	2,240 00	
Do London Hospital, London	2,400 00	
Do Protestant Hospital, Ottawa	1,200 00	
Do Roman Catholic Hospital, Ottawa	1,200 00	
Do St. Hyacinth Hospital, St. Hyacinth	320 00	
Do General Hospital, District of Richelieu, Sorel	320 00	
		67,770 00
MILITIA.		
<i>Departmental Salaries.</i>		
Adjutant General	\$3,000 00	
Deputy do L. C.	2,240 00	
Do do U. C.	2,000 00	
Provincial Aide-de-Camp	1,840 00	
Chief Clerk and Accountant	2,000 00	
Senior Clerk	1,400 00	
Superintendent of Stores	1,300 00	
Clerks—1 at	1,200 00	
1 at	1,100 00	
3 at \$650 each	1,950 00	
2 at \$500 do	1,000 00	
1 at \$2.50 per diem	912 50	
2 at \$2.00 do each	1,460 00	
Messenger	400 00	
Ast. do and Laborer	365 00	
Arrears of Salaries	806 66	
	23,004 16	
<i>Contingencies.</i>		
Contingent Expenses for Stationery, Printing, Repairing Arms, &c., transport of all Government Stores, and all other incidental expenses of the Militia	40,000 00	
Compensation for accidents or injury	5,000 00	
Compensation to Pensioners in lieu of land	10,000 00	
Ball and Blank Ammunition	16,000 00	
Military Schools	100,000 00	
<i>Carried over</i>	194,004 16	3,177,212 12

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	194,004 16	3,177,212 12
MILITIA—Continued.		
<i>Public Armouries.</i>		
1 Storekeeper at \$600, and 7 Storekeepers at \$300 each.....	\$ 2,700 00	
Rent of Armouries, care of Arms, Pay of Serjeant Majors of Field Batteries, Caretakers and Storemen of Armou- ries, including Fuel and Light for Armouries.....	30,000 00	
	32,700 00	
<i>Volunteer Militia.</i>		
For an Allowance in lieu of Clothing, at the rate of \$3 per man, for, say 4,000 Volunteers who have supplied their own clothing.....	\$12,000 00	
For Cavalry, Artillery and Rifle Clothing ordered.....	50,000 00	
Cavalry Equipments.....	10,000 00	
	72,000 00	
<i>Drill Pay.</i>		
Pay for 16 days drill, for, say 14,000 Vo- lunteers, at \$8 each.....	\$112,000 00	
Do for Horses of Mounted Corps.....	15,000 00	
	127,000 00	
<i>Brigade Majors.</i>		
Pay of Brigade Majors, including Horse allowance and travelling expenses.....	19,000 00	
<i>Drill Instructors.</i>		
Pay of Drill Instructors to Volunteer Corps, Drill Asso- ciations, &c.....	10,000 00	
<i>Military School Graduates.</i>		
Drill pay of 1,200 graduates at 75 cts. a day for 20 days' drill.....	\$18,000 00	
Travelling Expenses of do.....	3,000 00	
	21,000 00	
<i>Efficient Volunteer Corps.</i>		
Under Section 16 of the Volunteer Act.....	5,000 00	480,704 16
<i>Carried over</i>		3,657,916 28

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> .....	.....	3,657,916 28
PUBLIC WORKS AND BUILDINGS.		
<i>Canals.</i>		
For continuation of deepening and enlarging the summit level of the Welland Canal to introduce the water of Lake Erie.....	\$60,000 00	
For works on the Provincial Canals chargeable to construction	25,000 00	
For damages to land caused by the construction of the Beauharnois Canal, and repairs to St. Zotique Road destroyed by back waters from Beauharnois Canal.....	10,000 00	
	95,000 00	
<i>Light Houses.</i>		
For the construction of Light-Houses.....	12,000 00	
<i>Slides, Booms, &c.</i>		
For works connected with the descent of timber on rivers.....	16,500 00	
<i>Harbors, Piers & Rivers.</i>		
For repairs to Port Dover Harbor.....	\$5,000 00	
Do Piers below Quebec.....	5,000 00	
Harbours on Lake Huron.....	12,000 00	
	22,000 00	
<i>Public Buildings.</i>		
Towards the construction of the Parliament and Departmental Buildings at Ottawa...\$300,000 00		
For the fitting up of a residence at Ottawa for the use of His Excellency the Governor General	20,000 00	
Towards the construction of the Reformatory Prison at St. Vincent de Paul	30,000 00	
For the restoration of the Quebec Custom House destroyed by fire.....	10,000 00	
To obtain accommodation for Customs at Stanstead	2,000 00	
For works in connection with Public Buildings chargeable to construction.....	4,000 00	
For temporary accommodation of Governor General during the completion of permanent dwelling.....	5,000 00	
	871,000 00	
<i>Carried over</i>	516,500 00	3,657,916 28

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
<i>Brought over.....</i>	\$ etc. 516,500 00	\$ etc. 3,657,916 28
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>Miscellaneous.</i>		
Arbitrations and awards.....	\$15,000 00	
Surveys and Inspections.....	6,000 00	
Miscellaneous charges in respect to Public Works, not otherwise provided for.....	10,000 00	
	31,000 00	
ROADS AND BRIDGES.		547,500 00
For the completion of certain Bridges over the Gatineau and Nation rivers, commenced by the Colonisation Office, per O. C. 20th August, 1864.....	8,000 00	
For completion of Primeau Road, Caughnawaga.....	800 00	
For the completion of the Matapedia Road, viz :—		
For repairs of works destroyed by fire 1864, and by inundation in 1865.....	\$6,200 00	
For increased cost of works abandoned by Contractors.....	1,400 00	
Superintendence and Contingencies.....	2,400 00	
	10,000 00	
For the rebuilding of two bridges and repairing Road between Cross Point and Sillars.....	4,500 00	
Contingencies.....	650 00	
		24,000 00
ADMINISTRATION OF JUSTICE.		
For Detective Force:		
East.....	5,000 00	
West.....	5,000 00	
		10,000 00
MISCELLANEOUS.		
Seigniorial Indemnity to Townships.....		40,000 00
Frontier Service, East and West.....	10,000 00	
Lock up at Bruce Mines.....	400 00	
Printing Report of Intercolonial Railway Survey.....	1,000 00	
Extra Copies of Debate on Confederation.....	1,000 00	
Special aid to Agricultural Associations, U. C. & L. C., at \$5,000 each.....	10,000 00	
		22,400 00
Post Office Contingent expenditure for the year.....	340,000 00	
Do Grand Trunk, Great Western and Northern Railways for the year.....	198,000 00	
Do Arrears payable to Grand Trunk from June 9, 1862 to June 30, 1865.....	116,328 74	
		654,328 74
Commissions on Excise.....		50,000 00
Total out of Consolidated Revenue Fund..		5,006,145 02

SCHEDULE—Continued.

SERVICE.	Amount.		Total	
	\$	cts.	\$	cts.
OUT OF SPECIAL FUNDS.				
<i>To be taken out of Building and Jury Funds.</i>				
For the Court House and Gaol at Malbaie..	\$1,200	00		
For the restoration of the Court House and Gaol at St. Scholastique	1,000	00		
For the completion and furnishing of the Kamouraska Court House and Gaol, including rent of temporary Court House and Gaol	3,000	00		
For the construction of St. Francis District Gaol	15,000	00		
		20,200		
<i>Out of U. C. Building Fund.</i>				
Towards enlargement of Lunatic Asylum, Toronto....	25,000	00	45,200	00
Total out of Special Funds			45,200	00

CAP. III.

An Act to amend the Act respecting Duties of Excise.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to make better provision for the collection of duties of excise, and for that purpose to amend the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, intitled: *An Act to amend and consolidate the Acts respecting Duties of Excise, and to impose certain new duties*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

27, 28 V. c. 3.

1. After the tenth section of the Act cited in the preamble to this Act, and hereinafter referred to as the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act:

Section 10 amended.

"No building or place shall be licensed as a Tobacco Manufactory until after a survey thereof has been made by an Officer of Excise duly authorized for that purpose by regulation or otherwise, nor until such officer has reported the result

As to buildings licensed as Tobacco Manufactories.

Regulations as to entrances, &c., must be complied with.

result of his survey; and no license shall issue in any case unless such conditions are complied with as may be established by regulation to be approved by the Governor in Council, for the purpose of determining the mode of arranging the entrances to such building or place and for providing that such building or place may not form part of nor be appurtenant to any shop or premises where tobacco or cigars are sold by retail, or in which there are kept any broken packages of tobacco or cigars, and that such building or place shall not communicate with such manufactory or shop;”

Penalty for contravention.

“ And any wilful contravention of any such regulation shall subject the manufacturer to the general penalty imposed by the one hundred and fourteenth section of the Act hereby amended.”

Section 33 amended.

2. The following subsection shall be held to be inserted after subsection two, of the thirty-third section of the Act hereby amended and to make part of the said section :—

Certain books may be taken in case of seizure.

“ 3. And in case of the seizure of any article or thing in any Distillery, Brewery or Tobacco Manufactory, for contravention of this Act, the seizing officer or any Superior Officer of Excise, may take possession of and remove all or any books, papers or accounts kept under the requirements of this Act, and may retain the same until the seizure shall be declared valid by competent authority, or the article or thing seized or the proceeds thereof shall, by such authority, be directed to be restored.”

Section 35 amended.

3. The following provision shall be held to be inserted at the end of section thirty-five of the Act hereby amended, and to make part of the said section :—

Certain particulars to be entered in Stock Books.

“ In which Stock Books, there shall be clearly recorded day by day in the prescribed columns, a full and particular account of all Grain, Malt, Spirits, raw and manufactured Tobacco and other Stock, material or commodity brought into the Distillery, Brewery or Tobacco Manufactory to which such Stock Books relate, and also of all Grain, Malt, Spirits, raw or manufactured Tobacco, or other Stock, material or commodity, sold, removed or transferred from such Distillery, Brewery or Tobacco Manufactory; stating in every case the name of the person from whom the same was bought or obtained, or to whom it was sold or transferred as the case may be, and also the mode of conveyance by which it was brought to the Distillery, Brewery or Tobacco manufactory or by which it was carried therefrom :—and if any such Grain, Malt, Spirits, Beer, manufactured or raw Tobacco has been conveyed by any Vessel or Railway to or from any Port, Wharf or Station, situated within a distance of ten miles from the Distillery, Brewery or Tobacco manufactory, then such

If articles have been conveyed by Railway.

Vessel

Vessel or Railway shall be named as the conveyance by which such Grain, Malt, Spirits, Beer, Tobacco or Stock was conveyed as aforesaid."

4. The following subsections shall be held to be added to the thirty-sixth section of the Act hereby amended, and to make part thereof :—

Section 36 amended.

"3. All beams, scales, weights and measures used in or about any Distillery, Brewery or Tobacco manufactory, shall be inspected, tested and verified by an Officer of Excise or by any Inspector of weights and measures, as often as any Inspector of Excise may direct ;"

Weights, scales and measures to be inspected.

"4. Any person who shall use or cause or permit the using of any beams, scales, weights or measures in or about any Distillery, Brewery or Tobacco Manufactory, other then such as have been tested and inspected as above provided and approved by the proper Officer of Excise, shall forfeit and pay for every such offence a penalty of five hundred dollars, and a further penalty of fifty dollars for each and every day upon which such offence shall have been committed ; and such beams, scales, weights and measures, shall be seized by any Officer of Excise having a knowledge thereof, and shall be and remain forfeited to the Crown and be dealt with accordingly."

Penalty for using them without inspection.

Forfeiture.

5. The following sub-sections shall be held to be inserted at the end of the thirty-seventh section of the Act hereby amended, and to make part thereof :—

Section 37 amended.

"2. But whenever the Commissioner of Customs and Excise shall have cause to believe that the returns of spirits manufactured at any Distillery are incorrect, he may cause the quantity to be estimated and the returns to be amended by either of the following methods of computation :"

Power of Commissioner believing distillers' returns to be incorrect.

1st. He may cause an enquiry to be made by any inspecting officer of excise, who may swear and examine parties and witnesses under oath, as to the quantity of Grain taken to the Distillery to which such return relates, and as to the quantity of Grain removed therefrom, and who shall also enquire generally into the matters referred to him, and shall determine as nearly as may be the actual quantity of Grain consumed in the Distillery ; and the duty may be assessed and levied on the quantity of Grain so determined, in the proportion of one gallon of Proof Spirits to every seventeen pounds of Grain. Or—

Inquiry as to quantity of grain consumed.

Duty levied accordingly.

"2ndly. He may cause an enquiry to be made in the manner above provided as to the capacity of the Fermenting Tuns used in the Distillery, the frequency with which they have been used, and the quantity of Beer or Wash, from time to time fermented therein ; and the duty may be assessed and collected

Or as to capacity of fermenting tuns and frequency of use.

Duty levied
accordingly.

in the proportion of one gallon of proof spirits for every fourteen gallons of Beer or Wash determined by such Inspecting Officer, after such enquiry, to have been fermented in the said Fermenting Tuns ; ”

Period for such
inquiry.

Collection of
duties.

Penalties incur-
red before
inquiry may be
enforced.

“ 3rdly. Every such enquiry may be made for any period not exceeding one year previous to its commencement ; and the duties may be assessed and any portion thereof remaining unpaid may be collected, in accordance with the determination of the Inspecting Officer, notwithstanding the collection of any part of such duty on returns previously made ; and if any contravention of this Act or of the Act hereby amended be proved as to such duties, the penalties or forfeiture, or both, incurred by such contravention, may be enforced as if such returns had not been made or such duty in part paid ; and this notwithstanding the payment of the theretofore unpaid portion of such duties ; ”

Onus of proof.

“ 4thly. Provided that if the determination of the Inspecting Officer under this section be disputed, the proof of the error or wrong shall rest with the party alleging it.”

New sub-sec-
tion after 56.

6. At the end of the fifty-sixth section of the Act hereby amended, the following sub-section shall be held to be inserted, and to make part of the said section :

Empty pack-
ages with
stamps not al-
lowed in to-
bacco manu-
factories.

Penalty.

“ 2. No empty or partly filled package, box, jar, canister barrel or bag of a description such as is used for packing Tobacco, Cigars or Snuff, and having attached to it any stamp or part of a stamp, shall be brought into, or remain in any Tobacco Manufactory ; and any contravention of this section shall subject the manufacturer to the penalties and forfeitures imposed in section one hundred and six of this Act for any of the offences mentioned in the said section.”

Section 62
amended.

7. The sixty-second section of the said Act shall be amended as follows :

After the first sub-section relating to Distilleries, the following sub-section shall be inserted and make part of the said section :

Sub-section to
come after sub-
section 1.

“ The quantity of grain, malt, spirits, beer or other commodity brought into the Distillery during the preceding half month.”

Sub-section 4
amended.

The sub-section four of the said section, (relating to Distilleries,) shall be so amended as to read as follows :

As to Distille-
ries :—quantity
of grain remov-
ed, &c.

“ The quantity of grain, malt, or other commodity, removed from the Distillery, or disposed of otherwise than for Distillation, during the preceding half month.”

The sub-sections relating to Breweries, shall be amended by inserting the following sub-section after the words "Such account shall exhibit "

As to Breweries.

"The quantity of grain, malt, beer or other commodity brought into the Brewery during the preceeding half month."

Quantity of grain brought in.

Sub-section three, (relating to Breweries) shall be so amended as to read as follows :

Sub-section 3 amended.

"The quantity of malt, grain, or other commodity removed from the Brewery or disposed of otherwise than for Brewing, during the preceding half month."

Or removed.

8. Section seventy-eight of the said Act shall be so amended as to read as follows :

Sect. 78 amended.

"Goods warehoused under this Act may be transferred in bond from one party to another, and may be exported ex-warehouse, or removed from one warehouse, port, place or revenue division, to another, without payment of duty, under such restrictions and regulations as the Governor in Council may deem necessary."

Goods warehoused may be transferred, &c., in bond, under regulations.

9. After the ninety-first section of the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act :—

New section after section 91.

"Whenever the Inspecting Officer of Excise shall deem it necessary to determine the strength or value of any Beer or Wash, he may take out of any Beer or Wash then in the Distillery, a quantity not exceeding twenty-eight gallons as a sample, which he may distil or cause to be distilled, for the purpose of any computation under this or the Act hereby amended, and he may calculate the value or strength of the Beer or wash used in that distillery according to the result ascertained from the sample so taken : " or—

Power of inspecting officer to determine strength of Beer or Wash.

"2. He may at any time test the strength of any Beer or Wash then in the Distillery by running a portion thereof not exceeding the contents of any one fermenting tun, through the Stills, in the ordinary course of working such Distillery, and may require the ordinary operatives of such Distillery to do the work, or may introduce other operatives into the Distillery for that purpose : and for the purpose of any such computation as aforesaid he may calculate the value or strength of the Beer or Wash used in that Distillery according to the result ascertained from the portion of such Beer or Wash so distilled."

Further powers for the same purpose.

10. After the ninety-third section of the Act hereby amended, the following section shall be held to be inserted, and to make part of the said Act :—

New section after 93.

" Any

Writ of Assistance may be granted, and by whom.

"Any Judge of the Court of Queen's Bench or of the Common Pleas in Upper Canada, or of the Superior Court or of the Court of Vice Admiralty in Lower Canada, having jurisdiction in the place where the application is made, shall grant a Writ of Assistance upon application made to him for that purpose by the Collector of Inland Revenue or any Superior officer of the Excise or by Her Majesty's Attorney General or Solicitor General,—and such Writ of Assistance, when issued, shall be in force during the whole of the Reign in which the same shall have been granted, and for twelve months from the conclusion of such Reign :"

How long to remain in force.

Powers of officers of Excise under such writ.

Entry and search.

"2. Under authority of a Writ of Assistance so granted any officer of the Excise, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, taking with him a peace officer, may enter in the day time any building or other place within the jurisdiction of the Court granting such Writ, and may search for and seize and secure any goods or things liable to forfeiture under this Act, and, in case of necessity, may break open any doors and any chests or other packages for that purpose."

Section 109 amended.

11. The one hundred and ninth section of the Act, hereby amended, shall be amended as hereinafter mentioned : that is to say :

Sub-sect. 2.

Sub-section two, of the said section shall be so amended as to read as follows :

How to be read hereafter.

"To keep Stock, Books and all such other books as are required to be kept by this Act, or by any regulation made under the provisions of this Act, or by any regulation approved by the Governor in Council, or by the Minister of Finance."—

Paragraph after sub-sect. 9 amended.

The last paragraph after Sub-section nine of the said Section shall be so amended as to read as follows :

Amount of penalty and forfeiture of apparatus.

"Shall forfeit and pay for every such offence a penalty of two hundred dollars together with a further penalty equal to three times the amount of license fees, duty or other impost payable under this Act on any Spirits, Beer, manufactured Tobacco, Stock, fermenting tun, mash tub, machinery, utensil, tool, apparatus, article or commodity in respect of which any fraudulent, false, incorrect or imperfect information, entry, return, account or statement has been made or given, or in respect of which any entry, return, account, statement or information has been in whole or in part neglected or refused to be made or given :—and all Spirits, Beer, raw and manufactured Tobacco, Grain, Malt, Hops, Stock, utensils, tools, apparatus, article or commodity, in respect of which any such fraudulent false or imperfect entry, return, account or information has been made

And of stock, &c., in respect of which false return is made or information refused.

or given, or in respect of which any information, return, entry or account may have been in whole or in part neglected or omitted, or refused to be made or given, or which may be found in the Distillery, Brewery or Tobacco manufactory at the time when such false, fraudulent or imperfect information, entry, return, account or statement shall be discovered to have been made or given, or at the time when it shall be discovered that the giving of any information or the making of any return, entry, statement or account has been in whole or in part neglected, shall be seized by any officer of Excise having a knowledge thereof and shall be and remain forfeited to the Crown."

12. The one hundred and tenth section of the Act hereby amended, shall be amended by adding thereto the following words:—"and every article or thing subject to duty under this Act, and on which the duty hereby imposed shall not have been paid at the proper time for paying the same, shall be seized by any Officer of Excise knowing the fact, and shall be and remain forfeited to the Crown."

Sec. 110 amended.

Articles on which duty is not paid at the proper time, to be forfeited.

13. After the one hundred and thirteenth section of the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act:

New section after sect. 113.

"If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority,—such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly."

Punishment for taking away goods seized or detained.

Felony.

14. After the one hundred and fifteenth section of the Act hereby amended the following sections shall be held to be inserted and to make part of the said Act:

New sections after sect. 115.

"All penalties and forfeitures, incurred under this Act, or any other law relating to Excise, may be prosecuted, sued for and recovered in the Superior Courts of Law, or Court of Vice Admiralty having jurisdiction in that section of this Province where the cause of prosecution arises, or wherein the Defendant is served with process:—And if the amount or value of any such penalty or forfeiture does not exceed five hundred dollars, the same may also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises or where the defendant is served with process."

Recovery of penalties.

If not over \$500, in County or Circuit Court.

"In

How perishable articles seized may be dealt with.

"In case of the seizure of any perishable article, or of any grain or other commodity liable to damage from heating or otherwise, the Collector of Inland Revenue for the division in which such seizure has been made, or any Superior Officer of Excise may sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed, by reason of the expense of keeping or the decay of the same, as if it had been condemned,—and may keep in his hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant, in which last mentioned case, the Court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution ; ”

May be given up on security.

"2. Nevertheless the Collector of Inland Revenue or Superior Officer of Excise aforesaid, may deliver up to any claimant any such perishable article or grain liable to damage, so seized as aforesaid, upon such claimant depositing in the hands of the Collector or Superior Officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or Superior Officer that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned."

Where articles seized may be kept.

Place of storing to be deemed in custody of Officer.

"Any article or commodity seized as forfeited under this Act or the Act hereby amended, may, at the option of the seizing Officer be kept or stored in the building or place where it was seized until it is condemned or ordered to be restored to any claimant ;—and so long as such article or commodity is under seizure the place or building in which it is so kept or stored shall be held to be in the custody of the Officer of Excise or other person appointed for that purpose by the seizing officer or by any Superior Officer of Excise, or such article or commodity may by direction of such seizing Officer or Superior Officer be removed to and kept in any other place."

Burden of proof that duties have been paid, &c.

"The burden of proof that the duties of excise have been paid and all the other requirements of this Act complied with, as regards any article of any kind subject to duty under this Act, shall lie upon the parties whose duty it was to pay such duties and to comply with such requirements."

New section after sect. 118.

15. After the one hundred and eighteenth section of the Act hereby amended the following section shall be held to be inserted and to make part of the said Act :

Notice of seizure to be posted up.

"So soon as an information has been exhibited in any Court for the condemnation of any goods or thing so seized, notice thereof shall be put up in the office of the Clerk or Prothonotary of the Court, and also in the office of the Collector of Inland Revenue or Chief Officer of Excise, in the Inland Revenue Division

Division wherein the goods or thing has been secured as aforesaid ;

“ If the owner or person claiming the goods or thing exhibits a claim to the same and gives security and complies with all the requirements of this Act in that behalf, then the said Court at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such goods or thing as the case requires—otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof ;

How claims to the property seized shall be determined.

“ No claim on the behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid, shall be admitted, unless validly made within one week after, the posting thereof :—nor shall any claim be admitted, unless notice thereof has been given to the Collector of Inland Revenue or Superior Officer of Excise within one month from the seizure as aforesaid ;”

Claims to be posted up.

“ All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to Excise, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, do, within one month from the day of seizure, give notice in writing to the Seizing Officer, the Collector of Inland Revenue in the Inland Revenue Division in which such goods were seized, or Superior Officer of Excise, that he claims or intends to claim the same ;

Condemnation if not claimed within a certain time.

“ But any Judge having competent jurisdiction to try and determine the seizure, may, with the consent of the Collector of Inland Revenue at the place where the seized articles are secured, or of any Superior Officer of Excise, order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such Collector or Superior Officer of Excise, to pay double the value in case of condemnation,—which bond shall be taken to Her Majesty’s use in the name of the Collector or of the Superior Officer of Excise, and shall be delivered to and kept by such Collector or Superior Officer of Excise ;—And in case such seized articles are condemned, the value thereof shall be forthwith paid to the Collector and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered.”

Goods seized may be delivered up on security.

16. After the one hundred and twenty-first section of the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act :—

New section after sect. 121.

“ All forfeitures and penalties under this Act, after deducting the expenses of prosecution shall, unless it be otherwise expressly provided,

Appropriation and division of

penalties and forfeitures.

provided, belong to Her Majesty for the public uses of the Province,—but the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to the Collector of Inland Revenue or Superior Officer of Excise by whom the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aiding in effecting the condemnation of the goods or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may in any case or class of cases direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council with regard to the remission of penalties or forfeitures by this Act or any other law.”

Proviso.

Part of sects.
120 and 121
repealed.

17. So much of the one hundred and twentieth and one hundred and twenty-first sections of the Act hereby amended as makes provision for the application or distribution of penalties and forfeitures under the said Act is hereby repealed.

As to Goods
voluntarily
abandoned as
forfeited or
penalties volun-
tarily paid.

18. And for the removal of doubts, be it declared and enacted, that if any article or thing be voluntarily given up or abandoned by the owner to any Collector of Inland Revenue or Superior Officer of Excise, as forfeited under the Act hereby amended or this Act, or if any sum of money be voluntarily paid to any such Collector or Officer as the amount of a penalty incurred under either of the said Acts, such abandonment or payment shall be held lawful, and such article or thing may be dealt with as if legally condemned, and such sum of money as if legally recovered.

Interpretation
clause.

19. This Act shall be construed as one Act with the Act hereby amended, and all words and expressions herein used shall have the same meaning as are assigned to them respectively in the said Act. The words “this Act” in either of them shall include both, and the words “Superior Officer of Excise” in either of them shall mean and include the Commissioner and Assistant Commissioner of Customs and Excise and any Inspecting Officer of Excise.

C A P . I V .

An Act to extend the Act to impose Duties on Promissory Notes and Bills of Exchange to all Notes and Bills of whatever amount, and otherwise to amend the said Act.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to impose Duties on Promissory Notes and Bills of Exchange now excepted from the operation of the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter

chapter four, and otherwise to amend the said Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Upon and in respect of every Promissory Note, Draft or Bill of Exchange, for an amount less than one hundred dollars, made, drawn or accepted in this Province upon or after the first day of January, in the year one thousand eight hundred and sixty-six, there shall be levied, collected and paid to Her Majesty, for the public uses of the Province, the Duties hereinafter mentioned, that is to say :—

Duty imposed on Notes, &c., under one hundred dollars.

On each such Promissory Note, and on each such Draft or Bill of Exchange, a duty of One Cent, if the amount of such Note, Bill or Draft, does not exceed twenty-five dollars ;—a duty of Two Cents if the amount thereof exceeds twenty-five dollars but does not exceed fifty dollars,—and a duty of Three Cents if the amount thereof exceeds fifty dollars but is less than one hundred dollars.

The duty.

2. The Governor in Council may from time to time direct stamped paper to be prepared for the purposes of the Act cited in the Preamble and of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated monies forming part of the Consolidated Revenue Fund ; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties imposed by the said Act, and by this Act ; and any such stamp on the paper on which any Note, Bill or Draft is written shall have in all respects the same effect as an adhesive stamp of the same value ; and all the provisions of the thirteenth section of the Act cited in the Preamble shall apply to the stamps on paper stamped under this section as fully as to the adhesive stamps mentioned in the said Act, as shall also all other provisions of the said Act which can be so applied, and are not inconsistent with this Act.

Governor in Council may cause Stamped Paper to be prepared.

Provisions of former Act to apply to such stamped paper.

3. Upon, from, and after the first day of October next after the passing of this Act, it shall not be necessary that the signature or part of the signature of the maker or drawer, or in the case of a draft or bill made or drawn out of this Province, of the acceptor or first endorser in this Province, or his initials, or some integral or material part of the instrument, be written on any adhesive stamp affixed to any Promissory Note, Draft, or Bill of Exchange, but the person affixing such adhesive stamp, shall, at the time of affixing the same, write or stamp thereon the date at which it is affixed, and such stamp shall be held *prima facie* to have been affixed at the date stamped or written thereon, and if no date be so stamped or written thereon such adhesive stamp shall be of no avail ; any person wilfully writing or stamping a false date on any adhesive stamp

How Stamps shall be cancelled after 1st October 1865.

stamp shall incur a penalty of one hundred dollars for each such offence.

Innocent parties or holders saved from penalty on certain conditions.

4. No party to or holder of any Promissory Note, Draft, or Bill of Exchange, shall incur any penalty by reason of the duty thereon not having been paid at the proper time and by the proper party or parties, provided that at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time and by the proper party or parties, and that he pays such duty as soon as he acquires such knowledge,—and any holder of such instrument may pay the duty thereon, and give it validity, under section nine of the Act cited in the preamble, without becoming a party thereto ;—In this section the word “ duty ” includes any double duty payable under the said section nine.

Interpretation clause.

5. This Act shall be construed as one Act with the Act cited in the preamble, and hereby amended, all the provisions whereof not inconsistent with this Act, shall apply to the duties and penalties hereby imposed as if such duties and penalties were imposed by the said Act.

C A P . V .

An Act respecting Railway Postal Subsidies.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Orders in Council regulating Postal payments, &c., to be laid before Parliament each Session.

1. All orders which may be made by the Governor in Council, whereby, under authority of the one hundred and ninth section of the Railway Act, or otherwise, any amount or rate of payment or compensation to railway companies generally, or to any railway companies or company in particular, for the carrying of Her Majesty's Mail, or for Postal Service of any kind, ordinary or extraordinary, may be authorized, settled, altered or at all affected,—and also, all Departmental Reports or Orders whereon any such Order in Council may be based,—shall be laid before both Houses of the Provincial Parliament, within ten days from the opening of the session next thereafter.

Period during which such Order in Council shall have effect, limited.

2. No Order in Council, or Departmental or other Order, or Contract (whether made under authority of the fifty-first section of the Post Office Act, or otherwise), unless sanctioned by Parliament, shall avail to authorize, settle, alter or at all affect any such amount or rate, for any period longer than one year after the date thereof, or for any period whatever before the date thereof.

2. But any such Order or Contract which shall have been so laid before Parliament, and against which no Address to the Governor shall have been voted by the Legislative Assembly during such session, shall be held to have been sanctioned by Parliament, in so far only as the same may relate to any period not longer than four years after the date of such Order or Contract.

Proviso if sanctioned by Parliament.

C A P . V I .

An Act further to amend the Act respecting the Militia. *se 31 vic cap 5*

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The following paragraph is hereby added to and shall form and be read as part of the fifth section of the Act passed in the twenty-seventh year of Her Majesty's Reign, intituled : *An Act respecting the Militia*, and next after the addition to that section made by the first section of an Act made and passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, intituled : *An Act to amend the Acts respecting the Militia and the Volunteer Militia Force*, that is to say—"and the Commander in Chief may, from time to time by any General Order, divide the Regimental Divisions respectively into Battalion Divisions, and the Battalion Divisions into Company Divisions, and may designate such Divisions by such names or numbers as he may see fit."

Paragraph added to sect. 5 of 27 V. c. 2.

Commander in Chief may subdivide Regimental and Battalion Divisions.

2. In any Regimental Division in which, by order of the Commander in Chief, one Battalion or more has been or may be organized by ballot under the first-mentioned Act, the service militiamen may, after being balloted, be dealt with as forming one body of organized service militiamen, and may be remodelled and re-divided, according to local boundaries, by the Commander in Chief, who may by any General Order divide such service militiamen into companies and prescribe the local boundaries of each company division, and may form or divide such companies into a battalion or battalions, and prescribe the local boundaries of each battalion, if there be more than one.

Commander in Chief may re-divide Service Militia into Companies and Battalions by local boundaries.

3. The Service Militiamen, when so remodelled as aforesaid, resident in each Company Division, shall form the Company thereof, and such Company shall be a Company of the Battalion of the Battalion Division in which it lies ; and all the Companies in any Battalion Division shall form the Battalion thereof, and such Battalion shall be a Battalion of the Regiment of the

Companies, Battalions and Regiments, how formed.

the Regimental Division in which it lies ; and all the Battalions in any Regimental Division shall form the Regiment thereof.

Service Militia men to be enrolled from time to time.

How Roll shall be made and corrected.

4. The names of the Service Militiamen, when so remodelled as aforesaid, shall be enrolled from time to time in each Company Division by the Captain or other Officer commanding the Company thereof, with the assistance of the officers and non-commissioned officers of the Company ; and it shall be the duty of the Captain, and under his orders, of the other officers and of the non-commissioned officers of the Company, by actual enquiry at each house in the Company Division, and by every other means in their power, to make and keep at all times a correct Roll of the Company (hereinafter called "Company Roll,") in such form as may be directed by the Adjutant General.

Commanding officer to see that Rolls are properly made and correctly.

5. It shall be the duty of the Lieutenant Colonel or other officer commanding each organized Battalion of the Service Militia to see that Company Rolls are duly and properly made out and corrected from time to time by the Captains or other officers commanding Companies in such Battalion, in accordance with this Act and with the directions given by the Adjutant General, and to report such officers as fail or neglect to perform their duty in this respect.

Men liable to be enrolled to furnish information within a certain time.

6. Each man liable under this Act to be enrolled, but not enrolled on such Company Roll by the Captain or officer commanding any Company of such organized Service Militia, so remodelled, shall, within twenty days after he has become so liable, whether by the alteration of any Division, by change of residence or otherwise howsoever, furnish such Captain or officer with a statement in writing, shewing his name, his age, his place of residence, and whether he is single, married or a widower, and if a widower, whether or not he has a child or children.

Annual muster of each Company.

Muster day.

Proviso.

7. Each Company of an organized Service Battalion so remodelled, shall assemble for muster annually, at such place and hour, in such manner and for such purposes as the Commanding Officer of each Battalion may direct with respect to each Company therein ; the muster day being, in Lower Canada, the twenty-ninth day of June, or, if that day fall on a Sunday, then the next day thereafter,—and in Upper Canada, the Queen's Birthday, or, if that day fall on a Sunday, then the next day thereafter ; except that the Commander in Chief may, in his discretion, but on the application of the Lieutenant Colonel commanding any Service Battalion in Upper Canada, direct that the annual muster day in such Division be the twenty-ninth day of June.

Returns of those present

8. The officer commanding each Company of an organized Service Battalion so remodelled shall, within twenty days after the

the annual muster day for such Company, transmit a certified copy of such Company Roll, to the officer commanding the Battalion of which such Company forms a part, shewing in such form as may be prescribed by the Adjutant General, the names and ages of those who attended such muster, and the names of those absent from such muster, and the causes of such absence; and if exemption be claimed, the ground of such exemption, and what (if any) proof of the same; and the officer commanding such Battalion shall, within forty days after such muster, prepare from such Company Rolls a correct Return of the Battalion under his command and forward it to the Adjutant General at Head Quarters.

at such musters.

Return for the Battalion.

9. The Company Rolls kept by the Captains of Companies or Officers commanding Companies of the organized Service Militia so remodelled as aforesaid, shall be corrected from time to time, as changes occur which affect them respectively;—and every householder and resident in each Company Division, and every Assessor, Town Clerk or other Municipal officer, shall be at all times bound to give to the commanding officer, or any officer or non-commissioned officer of the Company of such division such information as may be required for the making of corrections in the Rolls of such Divisions, and to answer all such questions as any of them may pertinently put to him for the purpose of obtaining such information; and every organized Service militiaman shall be bound to give notice in writing to the Captain or other officer commanding the Company of the division in which he was last enrolled, of any change of residence or other circumstance affecting such militiaman, by which the Roll in which his name appears is affected; and in case of change of residence, such organized Service militiaman shall also, within twenty days after such change, give such notice, together with the statement in writing required by this Act, to the Captain or other officer commanding the Company of the division into which he removes.

Company Rolls to be corrected from time to time.

Parties required to give information: and answer questions.

Changes of residence, &c., to be notified.

10. Whenever any man of the organized Service Militia so remodelled changes his residence from one Company Division to another within the same Battalion Division he shall thenceforward cease to be counted as one of the quota of the Division from which he has removed and shall be counted, for the remainder of his term of enrollment, as one of the quota of the Division to which he has removed; and any such man so removing who fails to give to the Officer commanding the Company of the Division into which he removes the notice and statement in writing required by this Act, shall be liable to be taken for enrollment for a full period of three years without reference to his former enrollment.

Militiaman to be counted as one of the quota of the division into which he removes.

Penalty for not notifying removal.

11. If any man of the organized Service Militia so remodelled about to change his residence to another Battalion Division communicates such his intention to the commanding Officer of his Service

Right and duty of Militia man obtaining certificate of ser-

Service

vice enrollment
before remov-
ing.

Penalty for
failure or not
giving notice,
&c.

Militiaman
leaving the
Province, his
duty.

Penalty for
non-compli-
ance.

Sect. 31 re-
pealed and new
section substi-
tuted.

Calling out
Service Militia,
or any part
thereof, for six
days drill : pay.

To be subject
to articles of
war, &c.

Persons having
obtained final
certificates of
Military In-
struction may
be called on to

Service Battalion and obtains from him a certificate of Service enrollment, a duplicate of such certificate shall be forthwith sent by such Commanding Officer to the Commanding Officer of the Service Battalion of the Division to which the man is about to remove, and thereupon such man will be called upon to complete his term of enrollment in that Division; but any man so removing without having procured such certificate, as well as any man so removing and having procured such certificate, but thereafter failing to present himself at the first muster of the Service Battalion of the Division into which he has removed, and not satisfactorily accounting for his absence therefrom, or failing to give the notice and statement in writing required by this Act in case of change of residence, shall be liable to be taken for enrollment for a full period of three years, without reference to his former enrollment.

12. If any man of the organized Service Militia so remodelled about to absent himself from the Province for a time, communicates such his intention to the Commanding Officer of his Service Battalion and obtains from him a certificate of Service enrollment, on the return of such man to the Province, at any time within a period of ten years, he shall, on production of such certificate, be allowed to complete his period of enrollment; otherwise he shall be liable to be taken for enrollment for a full period of three years, without reference to his former enrollment.

13. The thirty-first section of the said Act is hereby repealed and the following section shall in lieu thereof be taken and read as the thirty-first section of the said Act, that is to say :

“ The Service Militia or any Company or Battalion thereof, or any part of any Company or Battalion, or any of the Officers of the Service Militia may, at any time in each year, be called out by General Order of the Commander in Chief for drill or instruction within each Regimental Division for a period not exceeding six days, under and pursuant to such rules and regulations in that behalf as may be prescribed in such General Order, and each non-commissioned officer and man shall be paid for each day's actual and *bond fide* drill as aforesaid the sum of fifty cents, and every Officer and Service Militiaman whilst so called out shall be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's Troops are subject.”

14. The Commander in Chief may, from time to time, order any persons who have obtained final certificates in any School of Military Instruction and whether the same be Commissioned Officers or not, to attend a Camp or Camps of Instruction at such time and place in this Province and for such period as
he

he may for such purpose prescribe, and he may make all necessary rules and regulations for the command, and discipline and good management of such Camp or Camps and for the mode of instruction thereat and shall prescribe the allowances to be paid to such persons during their stay at the same; and every person who shall report himself at such Camp or Camps and shall sign a Roll of entry thereat shall thereupon and thenceforth and for the period prescribed by the Commander in Chief for the duration of such Camp or Camps, be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and articles of war, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's troops are subject.

attend camps of instruction.

Persons attending subject to articles of war, &c.

CAP. VII.

Vide Cap 21 Vic 29-30

An Act to extend and amend the Acts respecting Public Works, to and with respect to Works connected with the defence of the Province.

[Assented to 18th September, 1865.]

WHEREAS it is necessary to amend the chapter twenty-eight of the Consolidated Statutes of Canada, respecting the Public Works, and the Act twenty-fourth Victoria, chapter four, amending the same, so as to extend the same to works required for the defence of the Province, and also to amend the Act chapter thirty-six of the said Consolidated Statutes, respecting lands and real property held or required by the Imperial Government for the Military defence of this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Con. Stat. Can. C. 28, 24 V. c. 4.

1. All works connected with the defence of this Province, shall be Public Works within the meaning of the tenth section of the Act first cited in the Preamble of this Act, and the said Act and the Act secondly cited in the Preamble, shall apply to such works as if they had been mentioned in the said section, subject to the provisions of this Act.

Works for defence to be Public Works within the said Acts.

2. The powers of the Commissioner of Public Works, and all the provisions of the Acts firstly and secondly cited in the preamble to this Act, not inconsistent with this Act, shall extend to the demolition or removal of all such buildings, walls, woods, trees, fences or other obstructions, natural or artificial, and to the filling up of such hollows, natural or artificial, as would, in the opinion of the engineers, civil or military, employed on any such work as is mentioned in the next preceding section, impair the effect of such work, and being on any lands within a distance not exceeding two miles from such work,

Clearance rights.

Powers of Commissioner extended to in respect of lands required for defensive purposes.

How amount of compensation for lands subjected to clearance rights shall be ascertained.

Power to re-enter to remove obstructions.

Costs if renewal of obstruction be owner's fault.

Limitation of right of entry.

Same powers conferred on the War Department, as vested in Commissioner of Public Works.

Compensation how determined.

Powers only to be exercised only with respect to lands duly certified to be required for defence.

without acquiring the land itself, and to the preventing the construction or existence of any such obstruction thereafter ; and if the owner or occupier of any such land refuses or fails to agree with the Commissioner as to the compensation to be paid for the exercise of any powers hereby given, the Commissioner may tender a reasonable compensation in his estimation for the same, with notice that the question will be submitted to the Official Arbitrators mentioned in the Acts firstly and secondly cited in the preamble to this Act ; and in such case, at any time within three days after such tender and notice, the Commissioner may enter upon such land and cause the work mentioned in such notice to be performed, and may, at any time or times thereafter, again enter upon such land after like notice, and remove any such obstruction as aforesaid, so as to restore such land to the state in which it was after the performance of the work mentioned in the first notice ; and the compensation agreed upon, or awarded by the said Arbitrators, shall include the exercise of the power last mentioned, and if the renewal of any such obstruction has been caused by the fault of the owner of the lands, or of those through whom he claims, the cost of removing it may be recovered from him by the said Commissioner.

3. The right of entry given by the next preceding section shall be so exercised that the work may be completed within six months from the giving of the notice thereof, and not afterwards, except after new notice.

4. Her Majesty's Principal Secretary of State for the War Department shall have the same powers and rights with regard to the taking or taking possession of lands or materials required for any work connected with the military defence of the Province, and with regard to lands required to be cleared and kept clear of obstructions as aforesaid, as are vested by the preceding sections of this Act and the Acts therein cited, in the Commissioner of Public Works ; and the price to be paid for such lands or the compensation to be paid for the exercise of such powers and rights, if not agreed upon by the parties, shall be determined by the said Official Arbitrators in the manner provided by the Acts firstly and secondly cited in the Preamble to this Act, and subject to the provisions thereof, except that the testimony of witnesses shall not be taken down in writing.

5. The powers vested by this Act in the Commissioner of Public Works and in the said Principal Secretary of State, respectively, shall be exercised only in respect of lands, the necessity of acquiring or taking which for the defence of the Province has been or shall be certified by the Commander of Her Majesty's Forces in this Province, under his hand and seal, or with respect to which he shall have certified in like manner that the exercise of any other of such powers is necessary for such defence, unless the consent of the owner of the lands

has

has been obtained or an enemy has actually invaded this Province ; nor shall any such power be exercised by the Commissioner of Public Works, except with respect to such works as shall be designated for the purpose, by the Governor in Council.

And if by Commissioner of Public Works.

6. If, in any case where the said Principal Secretary of State has given the requisite notice, any resistance be offered or feared to his taking possession of the lands mentioned in such notice, or to his entering thereon and performing the work mentioned in such notice, then on application on behalf of the said Principal Secretary of State, any Judge of the Superior Court in Lower Canada, or any Judge of the County Court in Upper Canada, may command the Sheriff of the district, county, or place, where the lands lie, to put the said Secretary of State in possession thereof, or to enforce such right of entry, which such Sheriff, taking with him sufficient assistance, shall accordingly do.

Proceedings in case of resistance to the taking possession.

7. So much of the Act thirdly cited in the preamble to this Act, as requires any Sheriff to summon a Jury to enquire of and determine, or as authorizes any jury to enquire of and determine the price or compensation to be paid by the said Principal Secretary of State, for the absolute purchase or for the possession or use of any lands or real estate, of which such Sheriff has put or shall put the said Principal Secretary of State into possession, is hereby repealed as to any case in which the Jury has not been summoned at the time of the passing of this Act, but not as to any case in which a jury has been summoned and has sat but has been discharged without rendering a verdict;—and such price or compensation shall be enquired of and determined by the Official Arbitrators aforesaid, (whose award shall stand in the place of the verdict of a Jury for all the purposes of the said Act,) in the manner prescribed by and subject to the provisions of the Acts firstly and secondly cited in the preamble to this Act, except that the testimony of witnesses shall not be taken down in writing ; and the Sheriff who has given or shall give possession of any lands or real property to the said Principal Secretary of State shall certify to the Official Arbitrators his doings in that behalf when by them required so to do.

Compensation for lands taken under Con. Stat. Can. cap. 36, to be determined by Official Arbitrators, except in certain cases.

Sheriff to return his doings to arbitrators.

8. And inasmuch as the twenty-first section of the Act thirdly cited in the Preamble to this Act applies only to the case where the party conveying any property to the said Principal Secretary of State could not have legally conveyed the same without the said Act, or has not the absolute interest therein, and not to the case where there are merely hypothecs or incumbrances on such property, and the ordinary proceedings for confirmation of title cannot be applied in such case : therefore the said section is hereby repealed, and the following section shall be substituted therefor and shall be read as part of the said Act as hereby amended :

Con. Stat. Can. cap. 36, sec. 21, repealed, and new provision substituted.

Price of land taken to stand instead of the land, in respect of incumbrances, or claims to or upon the land.

"21. In Lower Canada the sum of money determined by the verdict of a Jury or by the award of the Official Arbitrators, or agreed upon by the said Principal Secretary of State and any party who could under this Act validly convey any real estate, or lawfully in possession as owner, of any real estate which could be lawfully taken under this Act without the consent of the owner thereof, as the price or compensation to be paid for such real estate, shall stand in the stead of such real estate, and any claim to, or hypothec or incumbrance upon such real estate shall be converted into a claim to or upon the said price or compensation :"

Proceedings when there are claims to or incumbrances on the land, or the party refuses to execute conveyance, &c.

"2. If the said Principal Secretary of State believes that any such claim to, or hypothec or incumbrance upon such real estate exists, or if any party to whom such price or compensation or any part thereof is payable refuses to execute the proper conveyance and warranty, or is unknown to the said Principal Secretary of State, or cannot be found, or if for any other reason the said Principal Secretary of State deems it advisable,—he may deposit with the Prothonotary of the Superior Court in the district in which such real estate lies, an authentic copy of the deed of conveyance of such real estate to the said Principal Secretary of State, or of the verdict or award fixing such price or compensation if there be no such conveyance, (and such verdict or award shall then be the title of the said Principal Secretary of State to the real estate therein mentioned,) and proceedings shall be thereupon had upon application on behalf of such Principal Secretary of State, for confirmation of such title, in like manner as in other cases of confirmation of title,—except that no biddings shall be allowed on such real estate, and except also that in addition to the usual contents of the notice in the Official Gazette, the Prothonotary shall state that such title, (that is, the conveyance, verdict or award) is under this Act, and shall call upon all persons or parties entitled to or to any part of such real estate, or representing or being the husband, tutor or curator of any such person or party so entitled, to file their oppositions for their claims to such price or compensation or any part thereof, if not secured by the Registrar's certificate: and all such oppositions shall be received and adjudged upon by the Court; and the judgment of confirmation shall be granted as of course if the requirements of this section have been complied with, and shall for ever bar all claims to or upon the said real estate or any part thereof (including dower not yet open) as well as all hypothecs or incumbrances upon the same, and shall have the effect of a Sheriff's title on a sale under execution ;"

Proceedings for confirmation of title in such cases, and effect of such confirmation.

Payment of price if there be no opposition.

"3. If there be no opposition, or if every opposition be withdrawn before the judgment of confirmation, the price or compensation shall be paid to the party who executed the conveyance, but if there remains any opposition not withdrawn, then, before the judgment of confirmation shall be rendered, the

the price or compensation shall be paid into Court, with interest until the day of such payment, and the Court shall make such order for the distribution, payment or investment of such price or compensation, and for securing the rights of all parties interested, as to right and justice may appertain, according to this Act and to law; and the costs of the said proceedings shall be borne by the said Principal Secretary of State, if there be no opposition; but if there be any opposition, then only such part of the costs as would be incurred if there were no opposition shall be payable by him."

Proceedings if there is opposition.

Costs.

9. The said Principal Secretary of State may desist from any notice given under this Act or the fifteenth section of the Act thirdly cited in the Preamble to this Act, and may give new notice either for the same or any greater or less extent of lands; any notice given under the said section before the passing of this Act, shall be held to be a sufficient notice to enable the said Principal Secretary of State to take or to be put into possession of the lands therein mentioned, either under this Act or under the said section, and to refer the question of price to the said Official Arbitrators; no notice of entry to survey shall hereafter be requisite under the said Act, but the said Principal Secretary shall have same powers as the Commissioner of Public Works to make surveys; any written offer made by the said Principal Secretary of State to pay any sum of money, shall be held to be a legal tender thereof: and the said Principal Secretary of State shall not be bound to give security in any case of appeal or other proceeding.

Notice of entry upon lands may be desisted from.

Notice under Con. Stat. Can. C. 36, good under this Act.

No notice for survey required; offer by Secretary of State, &c.

10. No change in the ownership of any real estate after notice under this Act or the Act thirdly cited in the Preamble to this Act, that such real estate is required for the defence of the Province, shall affect the said notice or the proceedings consequent upon it, or the verdict or award in the case, or the possession or title of the said Principal Secretary of State; nor shall any improvement made on any real estate after such notice, be taken into consideration in determining the price or compensation to be awarded.

Change in ownership of land after notice given, not to affect proceedings.

No improvement made after the same.

11. Nothing in this Act shall impair or affect any right or power given to the said Principal Secretary of State by the Act thirdly cited in the preamble to this Act or any provision of the said Act not expressly repealed by or inconsistent with this Act which shall be construed as forming part of the said Act, the provisions whereof as hereby amended shall apply to lands taken under this Act; and the compensation to be paid for the exercise of the powers mentioned in the second section of this Act may be agreed upon, and the requisite covenants to keep the land for ever clear of the obstructions mentioned in the notice in that behalf may be entered into, so as to bind all future owners and possessors of the land, by any party who could, under the said Act, convey such lands to the said Principal Secretary

Rights of the War Department under Con. Stat. Can. c. 36, not affected by this Act except where expressly provided.

Compensation for clearance rights to whom payable.

Secretary of State,—and such compensation shall be paid to such party on his entering into such covenant, saving any just claim of any other party against him for such compensation or any part thereof.

Delegation of authority to exercise powers under c. 36, to include those given under this Act.

12. Any authority given by the said Principal Secretary of State to any person to exercise any of the powers given by the Act thirdly cited in the preamble to this Act, shall extend to the exercise of the powers given for like purposes by this Act; and the authority of any officer in Her Majesty's army to exercise any power given to the said Principal Secretary of State by the said Act or by this Act, shall not be called in question, except by some superior officer in Her Majesty's army or by the said Principal Secretary of State.

Certain Acts to apply to works for defence.

13. All works connected with the defence of the Province shall be Public Works within the meaning and scope of chapter twenty-nine of the Consolidated Statutes of Canada respecting riots near Public Works,—and of chapter thirty of the said Consolidated Statutes respecting the sale of Intoxicating Liquors near Public Works; the word “lands” or “real estate” in this Act includes all houses, buildings, or real property of any kind; the citation of the Act first cited, or of the Act thirdly cited in the preamble to this Act, shall be a sufficient citation of the Act so cited as amended by this Act; and the expression “this Act” in either of the said Acts, shall mean the Act wherein it occurs as amended by this Act.

Interpretation.

C A P . V I I I .

An Act for the prevention of contagious diseases, at certain Military and Naval Stations in this Province.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to make provisions calculated to prevent the spreading of certain contagious diseases in the places to which this Act applies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Short title.

1. This Act may be cited as *The Contagious Diseases Prevention Act, 1865.*

Interpretation.

2. In this Act—

The Term “Contagious Disease” means Venereal Disease, including Gonorrhœa;

The Term “Hospital” includes ward of a Hospital;

The

The term "public place" means a thoroughfare or other public street or place, or a house or room which is open to the inspection of the police or peace officers.

3. The places to which this Act applies shall be the places mentioned in the first schedule hereto, the limits of which places shall, for the purposes of this Act, be such as are defined in that schedule; and any person authorized to act as a Justice of the Peace, Police Officer, or Peace Officer, within the City, Town or Place named in the first column of the said schedule; shall, for all the purposes of this Act, have authority to act as such Justice or Officer for such City, Town or Place with the limits assigned to it in the second column of the said schedule.

Act to extend only to places in Schedule.

4. Expenses incurred in the execution of this Act shall be paid under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing his office, (hereafter in this Act styled the Admiralty) and of such one of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the time being to intrust with the seals of the War Department (hereafter in this Act styled the Secretary of State for War), out of money to be provided by the Parliament of the United Kingdom for the purpose.

How expenses shall be defrayed.

5. The Admiralty and the Secretary of State for War may, on the passing of this Act, appoint a Superior Medical Officer of Her Majesty's Navy or Army to be, during pleasure, Inspector of Hospitals certified under this Act, and may from time to time, on the death, resignation or removal from office of any such Inspector, appoint another such officer in his stead.

Inspectors of Hospitals to be appointed.

6. On the application of the authorities having the direction or management of any Hospital desiring that such Hospital should be certified under this Act, the Admiralty and the Secretary of State for War may direct the Inspector of Hospitals to examine and report to them on the condition of that hospital, and on the regulations established for its direction and management.

Hospitals to be examined and reported on.

7. If on such examination and report the Hospital appears to the Admiralty and the Secretary of State for War to be useful and efficient for the purposes of this Act, and is certified in writing to be so by the Admiralty and the Secretary of State for War, the same shall be deemed a Certified Hospital for the purposes of this Act; and every such Hospital is in this Act referred to as a Certified Hospital;—and the Admiralty and the Secretary of State for War shall state in their certificate what persons or officers for the time being are to be deemed the authorities of the Hospital for the purpose of exercising the powers hereinafter given; and the persons or officers so stated shall be such authorities accordingly;—Any person authorized to that effect by the Admiralty and Secretary of

Power to certify Hospitals on such examination and report.

Power may be delegated.

of State for War, may grant or withdraw the certificate required by this section, and the authority of such person to grant or withdraw the same shall not be called in question except by the Admiralty and the said Secretary of State for War.

Inspection from
time to time.

8. The Inspector shall, from time to time, visit and inspect every Certified Hospital.

Certificate may
be withdrawn.

9. If on the Report of the Inspector respecting any Certified Hospital, the Admiralty and the Secretary of State for War think proper to withdraw their Certificate, that Hospital shall thereupon cease to be a Certified Hospital for the purposes of this Act.

Certificate or
withdrawal to
be notified in
Canada
Gazette.

10. A notice shall be published in the *Canada Gazette* of the granting or withdrawal of any Certificate relative to any Hospital under this Act; and a copy of the Gazette containing any such Notice shall be sufficient evidence of such granting or withdrawal; and any such Certificate shall be presumed to be in force until the withdrawal thereof is proved.

On what infor-
mation a Jus-
tice may issue
a notice to a
woman under
this Act.

11. Where an Information, in the form given in the second Schedule to this Act, or to the like effect, is laid before a Justice of the Peace, by any Chief of Police, High Constable, Chief Constable, High Bailiff, or other chief officer or Head of the Police or Constabulary, authorized to act in any place to which this Act applies, or by any Medical Practitioner duly licensed to practise Physic or Surgery, the Justice may, if he thinks fit, issue to the Woman named in the information, a notice in the form given in the same Schedule, or to the like effect.

Service of
notice on the
woman.

12. A constable or other peace officer shall serve such notice on the Woman to whom it is directed, by delivering the same to her personally, or by leaving the same with some person for her at her last or usual place of abode.

Justice may in
certain cases
order medical
examination at
a certified Hos-
pital.

13. In either of the following cases namely :

- (1.) If the woman on whom such notice is served appears herself, or by some person on her behalf, at the time and place appointed in the notice, or at some time and place appointed by adjournment:—
- (2.) If she does not so appear, and it is shewn (on oath) to the Justice present, that the notice was served on her a reasonable time before the time appointed for her appearance, or that reasonable notice of such adjournment was given to her (as the case may be) the Justice present, on oath being made before him, substantiating the matter of the information to his satisfaction, may, if he thinks fit, order such woman to be taken to a Certified Hospital for medical examination.

14. Such Order shall be sufficient warrant for any Constable or Peace Officer to whom the Order is delivered, to apprehend such woman, and to convey her with all practicable speed to the hospital therein named, whether within or without the ordinary local limits of his authority, or of that of the Justice making the order, and for the authorities of the hospital to cause her to be examined by some medical officer of such hospital, for the purpose of ascertaining whether or not she has a contagious disease, and in case, on such examination, it is ascertained that she has a contagious disease, then to detain her in the hospital for twenty-four hours from the time of her being brought there.

Order to be warrant for conveying the woman to the Hospital for examination.

15. Any woman on whom notice is served by any constable or Peace Officer, in pursuance of this Act, may signify to him her willingness to submit herself voluntarily for examination to the medical officers of the nearest Certified Hospital, and in that case it shall be the duty of such constable or peace officer to accompany her to such hospital, and her examination shall then be made in the same manner and with the same consequences as if she had been brought to that hospital to be examined in pursuance of the Order of a Justice.

Woman may be examined voluntarily.

16. Within the said period of twenty-four hours the authorities of such hospital shall cause a certificate, signed by the medical officer who has made such examination, stating (if the fact be so) that on such examination it has been ascertained that such woman has a contagious disease, to be made out and laid before the Justice by whom the Order was made, or some other Justice having the like jurisdiction, and thereupon such Justice may, if he thinks fit, order the authorities of such hospital to detain such woman in the hospital for medical treatment until discharged by such authorities, and such Order shall be a sufficient warrant to such authorities to detain such woman, and such authorities shall detain her accordingly;— Provided that no woman shall be detained under any such Order for a longer period than Three Months.

On certificate of disease woman may be detained (on order of Justice) for medical treatment.

But not longer than three months.

17. If any woman ordered as aforesaid to be taken to a Certified Hospital for medical examination refuses to submit to such examination, or if any woman ordered to be detained in a Certified Hospital for medical treatment, refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof, or quits the Hospital without being discharged from the same as aforesaid, every such woman shall be guilty of an offence against this Act, and on summary conviction thereof, before two or more Justices of the Peace, shall be liable to imprisonment in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence for any term not exceeding two months.

Penalty for refusing to be examined or to conform to rules of Hospital, or quitting it before being discharged.

18. If any person being the owner or occupier of any house, room or places within the limits of any place to which this Act applies,

Penalty for permitting any

applies,

prostitute having contagious disease to resort to any house, &c., for prostitution.

applies, or being a manager or assistant in the management thereof, knowing or having reasonable cause to believe any common prostitute to have a contagious disease, induces or suffers such common prostitute to resort to or be in such house, room or place for the purpose of prostitution, every such person shall be guilty of an offence against this Act, and on summary conviction thereof before two or more Justices of the Peace shall be liable to a penalty not exceeding ten pounds, or at the discretion of the Justices, to be imprisoned for any term not exceeding three months in any common gaol, house of correction or other lawful place of confinement, with or without Hard Labor; Provided that a conviction under this enactment shall not exempt the offender from any penal or other consequences to which he or she may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the nuisance thereby occasioned.

Proviso: not to exempt from other penalties.

Proceedings to be under Chap. 103 of Con. Stat. of Can.

19. All proceedings under this Act before and by Justices of the Peace, shall be had under the provisions of chapter one hundred and three of the Consolidated Statutes of Canada, intitled: *An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, save so far as those provisions respectively are inconsistent with any provision of this Act, and save also that, except where the woman concerning whom an Information is laid under this Act, in the form given in the second schedule, desires the contrary,—the room or place in which a Justice sits to enquire into the truth of the statements contained in any such information, shall not be deemed an open court for that purpose; and, except in the case aforesaid, such Justice may, in his discretion, order that no person have access to or be or remain in that room without his consent or permission.

Except that place of examination shall not be an open Court unless by consent of the woman.

Forms in Schedule 2 to be used.

20. The forms of Orders and Certificates given in the second Schedule of this Act shall be used for the purposes of this Act, with such variations as circumstances may require.

Provision for Protection of persons acting under this Act.

Venue.

Notice.

Defendant may plead this Act.

May tender amends or pay money into Court.

21. For the protection of persons acting in the execution of this Act, all actions and prosecutions against any person for anything done in pursuance or execution or intended execution of this Act, shall be laid and tried in the County in Upper Canada, or the Judicial District in Lower Canada, where the fact was committed, and shall be commenced within three months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the Defendant, one month at least before the commencement of the action; and in any such Action the Defendant may plead generally that the act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special matter in evidence at any trial to be had thereupon; and the Plaintiff shall not recover in any such action if tender of sufficient amends is made before such action brought, or

or if a sufficient sum of money is paid into Court after such action brought, by or on behalf of the Defendant; and if a verdict passes or judgment is given for the Defendant, or the Plaintiff becomes non-suited, or discontinues any such action after issue joined, or if, upon demurrer or otherwise, judgment is given against the Plaintiff, the Defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same as any defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge before whom the trial is had certifies his approbation of the action and of the verdict.

If Plaintiff fails defendant may recover full costs.

No costs unless judge certifies his approval of action.

22. This Act shall not come into force in any place mentioned in the said first schedule until a Hospital situate within or within fifty miles of the outer limits of such place shall have been duly certified, and notice of its having been so certified been duly given in manner provided by this Act.

When this Act shall be in force in any place.

23. This Act shall continue in force for five years from the passing thereof and no longer.

Duration of this Act.

THE FIRST SCHEDULE.

<i>Places.</i>	<i>Limits of such places for the purposes of this Act.</i>
Quebec.	The City of Quebec, as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof: The Town of Lévis, the villages of St. Joseph de la Pointe Lévy and Bienville, as bounded for municipal purposes, and all places within three miles of the outer boundaries of either of them.
Montreal.	The City of Montreal as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Kingston.	The City of Kingston as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Toronto.	The City of Toronto as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Hamilton.	The City of Hamilton as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
London.	The City of London as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Sorel.	The Town of Sorel, as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.

St. John's.

St. John's.	{	The Town of St. Johns, as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Chambly.		The Village and Canton de Chambly, and all places within three miles of the outer boundaries thereof.

Any other place or places to which the Governor may, from time to time, by Proclamation, declare the foregoing Act to extend, with such limits as shall be defined in such Proclamation: and this Act shall then extend to each such place as if it had been named in the first column of this Schedule, and the limits assigned to it by the Proclamation had been mentioned in the second column thereof.

THE SECOND SCHEDULE.

FORM OF INFORMATION.

to wit: } The information of C. D.

[*Chief of Police, &c.*] for [or *Medical Practitioner, or as the case may be*] taken this day of 186 , before the undersigned, one of Her Majesty's Justices of the Peace, in and for the said [County, &c.,] of ; who says he has good cause to believe that A. B. of in the [County] of is a common prostitute, and has a contagious disease within the meaning of the Contagious Diseases Prevention Act, 1865, and within fourteen days before the date of this information, that is to say: on day the day of was in a public place within the limits of a place to which the said Act applies, that is to say, in street, in the [Parish], of for the purpose of prostitution.

Taken before me the day and year first above mentioned.

(Signed,) L. M.

FORM OF NOTICE.

To A. B., of

Take Notice, that an Information, a copy whereof is subjoined hereto, has been laid before me, and that, in accordance with the provisions of the Act therein mentioned, the truth of the statements therein contained, will be enquired into before me or some other Justice, at on the day of at o'clock.

You

You are therefore to appear before me, or such other Justice, at that place and time, and to answer to what is stated in the said Information.

You may appear yourself, or by any person on your behalf

If you do not appear you may be ordered, without further Notice, to be taken to a Certified Hospital for Medical Examination.

If you prefer it, you may go with the constable [*or as the case may be*] who serves this Notice, to the Hospital, at , and submit yourself there to medical examination.

Dated this day of

(Signed,) L. M.
Justice of the Peace for

(*Subjoin Copy of the Information.*)

FORM OF ORDER FOR EXAMINATION.

to wit : } Be it remembered, that on the day of in pursuance
of the Contagious Diseases Prevention Act, 1865, I, one of Her Majesty's Justices of the Peace in and for the said [*County*]
of do order that A. B., of be
taken to Hospital (*being a certified Hospital*
within the meaning of the said Act) for (*medical*
examination)

(Signed,) L. M.

FORM OF MEDICAL CERTIFICATE.

To L. M. Esq. and others, Her Majesty's Justices of the Peace for the [*County*] of

In pursuance of the Contagious Diseases Prevention Act, 1865, I hereby certify that I have this day examined in this Hospital A B, of and that she has a Contagious Disease within the meaning of the said Act.

Dated at the Hospital this day of
186 .

(Signed,) E. F.
House Surgeon to the Hospital.
(*Or as the case may be*)

FORM

FORM OF ORDER FOR DETENTION IN HOSPITAL.

To the Authorities of the Hospital
 at at
 to wit : } In pursuance of the Contagious Diseases
 Justices of the Peace in and for the said [County] of } Prevention Act, 1865, I, one of Her Majesty's
 do order that A. B. of be detained in
 the Hospital at for medical
 treatment until duly discharged by you, and I do command
 you to detain her accordingly : and for so doing this shall be
 your Warrant.

Dated this day of 186

(Signed,) L. M.

C A P . I X .

An Act to amend *The Gold Mining Act*, twenty-seventh and twenty-eighth Victoria, Chapter nine.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is necessary and expedient to amend *The Gold Mining Act*, twenty-seventh and twenty-eighth Victoria, chapter nine : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Proviso in
sect. 5 repealed.

1. The proviso contained in clause five of the said Act to the effect "that no license fee shall be exacted for exploring for Gold until the precious metal be discovered," is hereby repealed.

Sub-sect. 4 of
sect. 32
amended.

2. The word "two" in sub-section four, of clause thirty-two of the said Act is hereby repealed, and the word "four" substituted therefor.

Disputes
between mas-
ters and labo-
rers, &c., in
Gold Mining
division may be
determined by
officer of divi-
sion.

Proceedings in
such case.

Levying sum
adjudged.

3. Any complaint or dispute for, or in respect of wages between persons engaged in mining within any Gold Mining Division, or their agents or representatives, and the laborers or servants employed by them, may be heard and determined before the Officer of such division, who may by summons require the attendance of the defendant before him, and upon proof of the service of such summons may, either in the absence or presence of the defendant, determine such complaint in a summary manner, on the oath of any one or more credible witness or witnesses to be sworn before him, and may levy such sum as he may adjudge to be due by such person, or his agent or representative to such laborer or servant, together with the costs

costs of service by warrant of distress and sale of the defendant's goods and chattels.

4. This Act may be known and cited as *The Gold Mining amendment Act of 1865.* Short title.

C A P. X. *Act to amend chapter thirty-two of the Consolidated Statutes of Canada, respecting the Bureau of Agriculture and Agricultural Societies.*

An Act to amend chapter thirty-two of the Consolidated Statutes of Canada, respecting the Bureau of Agriculture and Agricultural Societies.

[Assented to 13th September, 1865.]

WHEREAS difficulties have been found in carrying into effect the provisions of the above cited Act in so far as it relates to the Boards of Arts and Manufactures, and it is therefore expedient to amend the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Notwithstanding anything contained in the twenty-second section of the said thirty-second chapter of the Consolidated Statutes of Canada, only the Professors and Lecturers of the various branches of Physical Science in the chartered Universities, and Colleges affiliated with Universities, in Upper and Lower Canada respectively for the time being *ex officio* shall be members of either of said Boards; the faculty of any other institution of learning, of collegiate rank, composed of at least five Professors or Lecturers, one of whom shall be a Professor or Lecturer upon Physical Science, may; in the month of December in each year, elect one of such Professors or Lecturers to represent such College or Faculty upon such Board; and the President or Principal of such College or Faculty shall certify to the Board the name of the Professor or Lecturer so appointed.

What professors only shall be *ex officio* members of the Boards.

Faculties of other institutions to elect one member each.

2. Every incorporated Society of working men in Lower Canada may elect one delegate to the said Board for Lower Canada for every twenty members on its roll, being actual working Mechanics and Manufacturers who have paid a subscription of at least five shillings each to a fund devoted by such Society to two or more of the following objects, viz: a library, a reading room, a museum, lectures on scientific subjects, or classes in which drawing, mathematics, Natural Philosophy, Natural History, mechanics, engineering, or more than one such subject is taught; and the fact of such contributions and their expenditure on such objects shall be verified on oath by the Secretary or Treasurer of such Society in the manner provided for by the second sub-section of the twenty-seventh section of said chapter of the Consolidated Statutes.

Each incorporated society of working men in L. C. may elect members on certain conditions.

Art associations may elect members on certain conditions.

3. Every incorporated Art Association in Upper and Lower Canada respectively may elect annually, one delegate to said Board for Upper and Lower Canada respectively, for every twenty members on its rolls, who have paid a subscription of not less than four dollars each to its funds, such funds being devoted, after paying salaries, rents and current expenses of said Association, to the promotion of the fine arts in this Province; such contributions and their application to such object to be certified on oath, in manner and form above provided for in case of Societies of working men.

When such elections shall be made.

4. Notwithstanding anything to the contrary in the twenty-third, twenty-fourth and twenty-fifth sections of the said Act, such elections and the elections by the several Mechanics' Institutes and Boards of Trade in Upper and Lower Canada respectively, shall be made at the last regular meeting of such Society, Association, Institute or Board in each year.

Special meetings of Boards may be called, and how.

5. Notwithstanding anything contained in the third subsection of the twenty-eighth section of the said Act, it shall be lawful for special meetings of the said Boards to be called from time to time, by notice setting forth the time and place, at, and the object or objects for which such meeting is to be held, inserted at least ten days before such meeting, in such newspapers as may be designated by resolution passed at any regular meeting of either of the said Boards.

Officers of Geological Survey to be *ex officio* members.

6. The Director and principal officers of the Geological Survey (a list of whose names shall be furnished by said Director to said Boards in December of each year) shall be *ex officio* members of each of said Boards.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . X I .

An Act to amend chapter sixty-two of the Consolidated Statutes of Canada, and to provide for the better regulation of Fishing and protection of Fisheries.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sections 1 to 51 of cap. 62 of C. S. Can. repealed.

1. Sections numbering from one to fifty-one, both inclusive, of chapter sixty-two of the Consolidated Statutes of Canada shall be and are hereby repealed.

FISHERY OVERSEERS.

2. The Commissioner of Crown Lands may appoint Fishery Overseers in Upper and Lower Canada, whose powers and duties shall be defined by this Act and the regulations to be made under it, and by instructions from the Department of Crown Lands; and every Overseer so appointed under oath of office shall be *ex officio* a Justice of the Peace for all the purposes of this Act and the Regulations to be made under it, within the County or Counties or Provisional Judicial District in Upper Canada, or District or Districts in Lower Canada, in which he is appointed to act as such Overseer :

Appointment
of Fishery
Overseers, in
L. C. and U. C.

2. Each Overseer shall take and subscribe the following Oath of office.
oath :—

"I, A. B., Fishery Overseer in and for the district described
"in my appointment, do solemnly swear, that to the best
"of my judgment, I will faithfully, honestly and impar-
"tially fulfil, execute and perform the office and duty of such
"Overseer, according to the true intent and meaning of the
"Fisheries Act and Regulations, and in accordance with my
"instructions. So help me God."

LEASES AND LICENSES.

3. The Commissioner of Crown Lands may, where the exclusive right of fishing does not already exist by law in favor of private persons, issue fishing leases and licenses for fisheries and fishing wheresoever situated or carried on, and grant licenses of occupation for public lands in connection with fisheries; but leases or licenses for any term exceeding nine years shall be issued only under authority of an order of the Governor General in Council.

Commissioner
of Crown
Lands to
grant leases
and licenses.

REGULATIONS.

4. The Governor General in Council may, from time to time, make all and every such regulation or regulations as shall be found necessary or deemed expedient for the better management and regulation of fisheries, to prevent the obstruction and pollution of streams, to regulate and prevent fishing, and to prohibit fishing except under leases and licenses :

Governor in
Council may
make regula-
tions.

2. The publication in the English and French languages in the *Canada Gazette* shall be sufficient notice to give legal effect to any Regulation adopted under this Act; and the production of a copy of any Regulation so in force, purporting to be printed by the Queen's Printer, and certified by the Commissioner or Assistant Commissioner of Crown Lands, as having been approved and adopted by order of the Governor General in Council, shall be admitted as full and sufficient evidence of the same in all courts of law or equity in Canada.

Publication and
proof of Regu-
lations.

Stating offences
against this
Act.

3. Each offence against any Regulation made under this Act may be stated as in contravention of the *Fisheries Act*.

FISHWAYS.

Fish ways over
dams, &c., to
be made, and
kept open.

5. For the purpose of affording to fish a passage over dams and slides, or other obstructions, built or to be hereafter built across any stream where the Commissioner of Crown Lands may deem and determine it to be necessary for the public interest that the same should exist, there shall be attached and maintained, in practical and effective condition, upon each such impediment, a durable and efficient artificial fishway, in whatever place and of whatever form and capacity will admit of the certain ascent of the fish past the same, and any fishery officer may determine such place and form ; which passes and fishways shall in every instance be kept open and supplied with a sufficient quantity of water to fulfil the purposes of this requirement during such time or times as may be required by any fishery officer acting under instructions from the Department of Crown Lands :

How the cost
shall be de-
frayed.

2. For the construction and maintenance of each and every fishway, the Commissioner of Crown Lands may authorize payment of one-half of the expense incurred ; and should it be expedient to forthwith procure the construction of any fishway, he also may give directions to make and complete the same, and in lieu of prosecuting for the penalty hereinafter provided, he may recover from the owner the cost so disbursed by action before any competent tribunal ; Provided always, that the owner's share of expense may, at the option of any fishery officer, consist of work done and materials furnished ;

Proviso : as to
owner's share
of cost.

Penalty for
non-compli-
ance with this
section.

3. The penalty for non-compliance with this section may be recovered from any of the parties designated in section twenty-one of this Act, and shall be four dollars for each day during which such failure obtains ; the liability to begin upon and continue from the date of notification herein provided ; and the production of a certified copy, by any fishery officer, of notice given in accordance with instructions from the Department of Crown Lands, shall be received as proof that the party to whom it is addressed has been duly notified ;

Fishway not to
be obstructed.

4. No person shall injure or obstruct any fishway, nor do anything to deter or hinder fish from entering and ascending or descending the same, nor injure or obstruct any authorized barrier, and mill-owners shall keep fishways clear and unobstructed.

DEEP SEA FISHERIES.

H. M. subjects
may use

6. Every subject of Her Majesty may use vacant public property for the purposes of landing, salting, curing and drying fish,

fish, and cut wood thereon for such purposes, and no other person shall occupy the same station unless it shall have been abandoned by the first occupant for twelve consecutive months ; and at the expiry of that period any new occupier shall pay the value of flakes and stages and other property thereon of which he may take possession, or the buildings and improvements may be removed by the original owner ; and all subjects of Her Majesty may take bait or fish in any of the harbours or roadsteads, creeks or rivers ; subject always, and in every case, to the provisions of this Act as affects the leasing or licensing of fisheries and fishing stations, but no property leased or licensed shall be deemed vacant.

vacant public property for landing fish, &c., and may take bait and fish ; as to improvements made.

Proviso.

ENGAGEMENT OF FISHERMEN.

7. No person having been engaged by any written agreement to fish, or assist in any fishing, shall refuse to fulfil such engagement, or shall abandon his employer's service during the term of his engagement ; nor shall any one engage, or endeavor to engage, any employee as aforesaid, during the term of service agreed upon with another ; nor shall the owner or master of a vessel receive on board as a hand or passenger, any person so engaged in the fisheries, unless in possession of a certificate of discharge from his employer :

Rights and duties of employers and employed in fishing.

2. Each person engaged to fish, or assist at any fishery, shall, for securing his wages or share, have a first lien, preferable to any other creditor, upon the produce of his employer's fishery, and may recover the sum or share due to him before the nearest magistrate, or other competent tribunal ;

Lien for wages on produce of fishery.

3. Any person taking away any boat belonging to another, without the owner's consent, shall be deemed guilty of a misdemeanor, and punished on summary conviction by fine and damages.

Taking boat without leave a misdemeanor.

EXEMPTION OF FISHING GEAR.

8. No one shall, between the first of May and first of November, in Lower Canada, and between the first of April and thirty-first of January, in Upper Canada, seize or attach any boat or vessel, tackle, net, seine or other fishing utensils, or any provisions belonging to any fisherman and necessary for his subsistence or his fishing operations, except only for the recovery of penalties imposed under this Act, and the regulations made under it, or for rents and fees due to the Crown.

Exemptions from seizure during certain periods.

Except for penalties.

CODFISHERY.

9. No one shall use mackerel, herring nor caplin seines for taking codfish, and no codfish seine shall be of a less sized mesh than four inches in extension in the arms, and three inches in the bunt or bottom of the seine.

What nets only may be used.

WHALE FISHERY.

Penalty for killing whales with rockets, &c.

10. Whales, seals and porpoises shall not be hunted or killed by means of rockets, explosive instruments or shells, under a penalty not exceeding three hundred dollars, or at least three months' and not exceeding six months' imprisonment, in default of payment.

SEAL FISHERY.

Seal fisheries not to be disturbed, &c.

11. During the time of fishing for seals, no one shall, with boat or vessel, knowingly or wilfully, disturb, impede or injure any sedentary seal fishery, nor prevent, hinder or frighten the shoals of seals coming into such fishery, under a penalty not to exceed sixty dollars for each offence, or imprisonment in default of payment not exceeding one month; the defendant being also liable for damages, to be adjudged by any magistrate before whom the injured party shall complain :

Penalty, &c.

Disputes as to seal fisheries how to be settled.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting their nets, shall be decided summarily by any magistrate, on the report of arbitrators, and any damages assessed or accrued, or that may afterwards arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any magistrate.

SALMON FISHERY.

Close season.

Proviso : as to fly-surface fishing.

12. Salmon shall not be fished for, caught or killed, between the thirty-first day of July and the first day of May; provided always, that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of April and the thirty-first day of August :

Foul salmon.

2. Foul or unclean salmon shall not be at any time caught or killed ;

Salmon fry, parr and smolt not to be killed.

3. Salmon fry, parr and smolt, shall not be at any time fished for, caught or killed, and no salmon or grilse shall be caught or killed of less weight than three pounds; but where caught by accident in nets lawfully used for other fish, they shall be liberated alive at the cost and risk of the owner of the fishery, on whom shall in every case devolve the proof of such actual liberation ;

Size of meshes of salmon nets.

4. Meshes of nets used for capturing salmon, shall be at least five inches in extension, and nothing shall be done to practically diminish or nullify their size ;

As to nets for catching salmon.

5. The use of nets or other apparatus which capture salmon, shall be confined to tidal waters, and any fishery officer may determine

determine the length and place of each net or other apparatus to be set anywhere in the tideway ; provided, that nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of Upper Canada, nor preclude the Commissioner of Crown Lands from authorizing, by special licenses or leases, the capture of salmon by nets in fresh water streams, a list of which licenses or leases shall be published each season ;

Proviso : as to U. C. and special licenses.

6. The Commissioner of Crown Lands, or other person authorized by him to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this Act ; and above the actual limit so to be laid down, it shall be unlawful to fish for salmon except with a rod and line, in the manner known as fly-surface-fishing, under a penalty not to exceed one hundred dollars, and imprisonment in default of payment, not exceeding two months ;

Boundaries of estuary fishing.

7. All nets, or other lawful appliances which capture salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream ;

Mode of setting nets.

8. Any Fishery Officer may prescribe either in writing or orally on sight, if deemed necessary, a further distance apart to be left between salmon nets, or other fishing apparatus, and their dimensions and extension ; but gill or float-nets shall not be used to lengthen, extend or enlarge any other kind of fishery ;

Power of Inspectors, as to distances, &c.

9. In Upper Canada, no salmon shall be captured within two hundred yards of the mouth of any creek or stream which salmon frequent to spawn ;

As to spawning rivers in U. C.

10. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, nor in any pool where salmon spawn ;

Salmon not to be killed, at certain places.

11. No one shall take, use or possess any salmon roe, nor injure any spawning bed ;

Salmon roe.

12. From the time of low water nearest six of the clock in the evening on every Saturday, and the time of low water nearest six of the clock in the morning on each Monday, every net or other apparatus for catching salmon or trout shall be so raised or adapted as to admit of the free passage of fish through, past or out of the same, for the purpose of affording a free pass from six of the clock on each Saturday to six of the clock on each following Monday ; and during this close time it shall be unlawful to catch salmon or trout by such means ; and

Salmon and trout fishing apparatus to be open on Sundays.

any

Penalty for
contravention.

any so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited, in addition to the penalties imposed by this Act.

LAKE AND RIVER TROUT FISHERY.

Prohibition
against fishing
in certain ways
and at certain
seasons.

13. It shall not be lawful to fish for, catch or kill any kind of trout (or "lunge") in any way whatever between the fifteenth day of September and the fifteenth day of December in each year; and no one shall at any time fish for, catch or kill trout by other means than angling by hand with hook and line, in any inland lake, river or stream, except in tidal waters; Provided always, that as affecting the waters of Upper Canada, such prohibitions shall apply only to the kind known as speckled trout; and it is further provided that this kind shall not be taken in any way whatever in such waters between the twentieth day of September and the first day of April:

As to speckled
trout.

Exceptions.

2. Nothing in the above clause shall prevent the use of small sized trout for the *bond fide* purpose of baiting traps, nor affect the taking and using the same by fishermen as bait for codfishing in tidal waters, nor subject them to penalty if by accident in *bond fide* fishing for herrings or white-fish by means of nets trout shall become enclosed or taken.

WHITE-FISH AND SALMON TROUT FISHERY.

Close season
for white-fish.

14. It shall not be lawful to fish for or catch white-fish in any manner between the nineteenth day of November and the first day of December, nor by means of any kind of seine, between the thirtieth day of May and first day of August in Upper Canada, or between the thirty-first day of July and first day of December in Lower Canada, nor shall the fry of the same be at any time destroyed; but the Governor General in Council may by regulations extend or vary these dates and fix such other times as shall be adapted to different localities:

Gill nets in
Upper Canada.

2. Gill nets for salmon trout or white-fish, used in Upper Canada after the twentieth day of July, shall have meshes of at least three inches extension measure; and gill nets shall not be set within two miles of any seining grounds;

Proviso.

Seines for
catching
white-fish.

3. Seines for catching whitefish shall have meshes of not less than three inches extension measure; Provided that in the rivers Niagara, Detroit and St. Clair, seines may be used not exceeding three hundred and ninety feet in length;

Fresh water
herring.

4. It shall not be lawful to catch or take, in any way whatever, the fresh water herring, in any of the lakes of Lower Canada, between the ninth day of May and the tenth day of July.

BASS AND PICKEREL FISHERY.

15. Bass, pike, pickerel (*dorée*) and maskinongé shall not be fished for, caught or killed, between the thirtieth day of April and the first day of June in Lower Canada, and in Upper Canada the close season may be established by Regulations of the Governor General in Council to suit different localities. Close season.

POSSESSION OF FISH.

16. No one shall buy, sell or possess any fish named in this Act, or parts thereof, during seasons when catching or killing the same is prohibited by law; Pickled and salted fish of the kinds herein described may be bought, sold or possessed, provided the same shall have been caught at legal times and by lawful means: Restrictions on purchase, sale or possession of fish during close seasons.

2. It shall be the duty of every excise officer, customs officer, police officer or constable, clerk of a market or other party in charge of any market-place in every village, town and city, to seize and forfeit on view to his own proper use, or gift, any fish enumerated in this Act, during prohibited seasons, or which appears to have been killed by unlawful means; but every such seizure and appropriation, with the date, place, and circumstances thereof, shall be duly reported, together with the name, residence and calling of the person in whose possession such fish was found, to some Justice of the Peace having jurisdiction over the district within which such forfeiture has taken place. Certain officers to forfeit fish exposed for sale during the close seasons.

GENERAL PROHIBITIONS.

17. Whoever fishes for, takes, catches or kills fish in any water, or along any beach, or within any limits of stationary or seine fishery described in leases or licenses now existing or hereafter to be granted, or places, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, shall incur a penalty not exceeding one hundred dollars, with costs, or imprisonment not exceeding two months, and the forfeiture of fishing apparatus so used, and all fish taken or caught; and any such lessee or licensee may, upon his own view, remove and place in the custody of a fishery officer, or the nearest magistrate, or constable, any net or apparatus so used in trespass, to be afterwards dealt with according to law; provided always, that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for codfishing, nor prevent angling for other purposes than those of trade and commerce: Penalty for fishing within limits leased to other persons.

Proviso.

2. Seines, nets or other fishing apparatus, shall not be set in such a manner, or in such places as to obstruct the navigation with Navigation not to be obstructed.

with boats and vessels, and no boats or vessels shall be permitted to destroy or injure in any way, any seines, nets or other fishing apparatus ;

Stakes to be removed; at end of season.

3. Stakes or other timber placed for fishing purposes in any water shall be removed by the user within eight days after last using the same, or at the expiry of the fishing season ;

Main channels of streams not to be obstructed.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus ; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open and no kind of fishing apparatus or material shall be used or placed therein ; provided that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or, by completely barring any passage, shall deprive other weirs of a share in the run of eels, and such place, time and circumstance may be determined by any fishery officer ;

Proviso : as to eel fishing.

Burlington Bay and Dundas Marsh.

5. Seines or nets shall not be used in Burlington Bay, nor in Dundas Marsh ; no net or other device shall be used to hinder or obstruct the passage of fish to and from the said bay, or to and from any of the other waters of this province by any of the ordinary channels connecting such waters ;

Killing fish at certain places forbidden.

6. The catching, killing or molesting of fish when passing or attempting to pass through any fishway, fishpass, or in surmounting any obstacle or leaps—the use of any invention to catch, kill or molest fish in the mill-dams, fishways, mill-heads and water-courses appurtenant thereto, are hereby forbidden ;

Certain nets prohibited.

7. Bag-nets and trap-nets and fish-pounds are prohibited, except for capturing deep-sea fishes, other than salmon ; and no net or other device shall be so placed as to obstruct the passage of fish to and from their accustomed resorts for the purpose of spawning and increasing their species ;

Fish not to be killed in certain ways.

8. It shall not be lawful to fish for or catch or kill salmon, salmon-trout, sea-trout, or trout of any kind, lunge, winnoniche, bass, bar-fish, pickerel, white-fish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans, nor by aid of torchlight, or any other artificial light ; provided, the Commissioner of Crown Lands may appropriate and lease certain waters in which certain Indians shall be allowed to catch fish for their own use as food in and at whatever manner and time are specified in the lease, and may permit spearing in certain localities for bass, pike and pickerel between the fourteenth of December and the first of March ;

Proviso : as to Indians.

Young fish.

9. No person shall fish for, catch, or kill the young of any of the fish named in this Act ;

10. Seines for bar-fish and white-fish, in Lower Canada, shall have meshes of not less than three inches, extension measure ; Seines in Lower Canada

11. Seining for smelts (*éperlan*) shall be allowed only during the months of May, October, November and December, upon that part of the river St. Lawrence west of a line drawn from Bic to Portneuf ; Seining for smelts.

12. Fishery officers may determine or prescribe the distance between each and every fishery, and shall forthwith remove any fishery which the owner neglects or refuses to remove, and such owner shall be moreover liable for a breach of this Act, and for the cost and damages of removing the same ; Distance between fisheries.

13. In every brush fishery or weir there shall be a space, situated at the inside corner of the pound where the tide ebbs, of not less than five feet square, to be measured from the bottom of the pound even with the ground ; the said space to be covered by a single net work having meshes of at least one inch square to be kept open and unobstructed, and the bed of each pound shall be kept always level and clear of dead or decayed fish and rubbish or sea-weeds ; provided that no brush fishery shall be used to capture salmon unless the net work herein prescribed has meshes of at least five inches in extension, and no new brush fishery shall be established where one did not exist in the fishing season of one thousand eight hundred and sixty-four ; Brush fisheries or weirs. Proviso.

14. Every fascine fishery with a box-trap (*coffre*), instead of pound, shall have across the outside end of such box (*coffre*) a wire covering or a net work, the meshes of which shall be at least one inch square ; but this shall not apply to eel weirs during autumn ; Fascine fisheries.

15. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any of the small rivers emptying into the Rivers St. Lawrence and Richelieu. Fishing apparatus in small rivers.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

16. Whoever throws overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances, in any river, harbour or roadstead, or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves, or deposits, or causes to be thrown, left, or deposited upon the shore, beach, or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offals of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall incur for any such offence a fine not exceeding one Penalty for throwing overboard substances prejudicial to the fisheries.

Proviso: as to
burying offals.

one hundred dollars, or imprisonment for not more than two months; and every person so doing, whether master or servant, and the master or owner of any vessel or boat from which such ballast, or offals, or other prejudicial substance are thrown, shall severally become liable for each offence; provided always, that it shall be lawful to bury such remains, or offals ashore, beyond high water mark, and at establishments, situated inside of the mouths of rivers, for carrying on deep sea fisheries, to drop the same into perforated boxes or enclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or to dispose of them in such other manner as may be prescribed by any fishery officer:

Poisonous
substances not
to be used.

2. Lime, chemical substances or drugs, poisonous matter, (liquid or solid,) dead or decaying fish, or any other deleterious substance, shall not be drawn into, or allowed to pass into, be left or remain in any water frequented by any of the kinds of fish mentioned in this Act; and saw-dust or mill-rubbish shall not be drifted or thrown into any stream frequented by salmon, trout, pickerel or bass, under a penalty not exceeding one hundred dollars;

Saw-dust.

Penalty for
kindling fires in
certain places.

3. Whoever at any time between the fifteenth of June and the fifteenth of September, of any year, kindles, makes or places any fire in or near any wood, trees, brushwood, or any wild or uncultivated land, at any place north of the River or Gulf of St. Lawrence, to the east or north of the Saguenay River, or on any of the islands below or to the eastward of Red Island, within the said river or gulf, whereby the fire spreads or extends through standing trees, brushwood or scrub, to a distance exceeding one arpent, shall be guilty of an offence, and shall, for such offence, incur a penalty not exceeding fifty dollars, and shall besides be responsible to the Crown, or whoever may be the owner of the land, for all damages occasioned by such fire; provided, that nothing herein contained shall prevent proprietors from burning the wood, trees or brushwood on their own land, or otherwise using fire to clear their lands, without injury or prejudice to their neighbours.

Proviso.

MISCELLANEOUS PROVISIONS.

Waters may be
set apart for
propagation of
fish.

Penalty for
trespass.

19. The Commissioner of Crown Lands may authorize to be set apart, and may grant leases for any river or other water for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place set apart or used for the propagation of fish, or fishes therein without written permission from a fishery officer, or uses any fishing light or other implement for fishing, during the period for which such waters are so set apart, shall incur a fine not exceeding two hundred dollars, or in default of payment, shall be imprisoned for not more than four months:

2. Nothing contained in this Act shall preclude the granting by the Commissioner of Crown Lands of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, and for scientific purposes ;

Licenses to take spawn, &c.

3. Lessees of fisheries shall have no claim to renewal of leases if in arrears of rent or percentage, during four months after the same is due, and any lessee convicted of an infraction of this Act, shall be liable to forfeit his lease ;

Lessees in arrear.

4. Special licenses and leases may be granted to any party or parties for any term of years, who may wish to plant or form oyster beds in any of the bays, or between any of the islands on the coast of Canada, and in the St. Lawrence ; and the holder of any such lease or license shall have the exclusive right to fish for or dispose of the oysters produced or found on the beds, within the limits of such license, for the term of such lease ;

Licenses and leases for oyster beds.

5. The Commissioner of Crown Lands may authorize to be expended annually, a sum not exceeding one thousand dollars, for the formation of oyster beds, in various bays and waters found adapted for that purpose, and transplanting oysters, and towards restocking exhausted fisheries by natural or artificial means, and to improve streams where natural obstructions exist, and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any water-course, and in the channels or beds thereof ;

Grant for encouraging the formation of oyster beds.

6. With a view to protect the oyster beds to be formed in the different parts of the Canadian bays and coasts, it shall not be lawful for any person to take oysters, or in any way to injure or disturb such oyster beds, until permitted to do so by an order from the Commissioner of Crown Lands, which order shall be published in the *Canada Gazette*, and in such other newspapers as the Commissioner may direct, under a penalty of not more than one hundred dollars, nor less than forty dollars, together with the forfeiture of the vessel and all the apparatus employed therein ; and in default of payment, the party convicted shall be imprisoned for not less than one month, nor more than two months ;

Protection of oyster beds.
Penalty for disturbing.

7. Every brush or fascine fishery, and every fishery besides the kind mentioned in sub-section thirteen of the twelfth clause of this Act, shall, during the salmon fishing season, be provided with a close gate of net-work, or other material in which the openings or meshes shall be not less than half an inch square, or otherwise of that size, and be shut or placed against each entrance to the pound of the fishery, from six, p. m., on Saturday, to six, a. m., on Monday, of each and every week.

Gates to fisheries to be open on Sundays.

FINES AND FORFEITURES.

Penalty where
no other is
provided.

20. Except for offences to which penalties are already attached, each and every offender against the provisions of this Act, or the regulations under it, shall for each offence incur a fine of not more than twenty dollars, besides all costs ; and in default of payment of each fine, shall be imprisoned in each case for not less than eight days, and not exceeding one month ; provided, whenever it shall appear to the satisfaction of the convicting magistrate, that the offence has been committed in ignorance of the law, and that because of the poverty of the defendant, the penalty imposed would be oppressive, a discretionary power may be exercised, and any magistrate may grant a warrant of distress for the amount of fine and costs imposed in any case :

Separate offence on each day.

2. The contravention on any day of any of the provisions of this Act, or of any regulation made under it, shall constitute a separate offence, and may be punished accordingly ;

Distress for penalty.

3. Should any defendant have goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any magistrate, notwithstanding the imprisonment of the party convicted and fined ;

Forfeiture of materials, &c., for contravention of this Act.

4. All materials, implements or appliances used, and all fish had in contravention to this Act, shall be confiscated to Her Majesty, and the proceeds of disposal thereof may be applied towards defraying expenses under this Act, and may be seized on view by any fishery officer, or taken and removed by any person for delivery to any magistrate ;

Appropriation of fines and forfeitures.

5. Fines and forfeitures and proceeds derived from the sale of confiscated articles under this Act, shall be paid into the Department of Crown Lands, and applied towards the expenses incurred for the protection of fisheries ;

The same.

6. One half of every fine levied by virtue of this Act, shall belong to Her Majesty, and the remaining moiety thereof shall be paid to the prosecutor, together with costs taxed to him for attendance as a witness or otherwise.

MODE OF RECOVERY.

Before whom, and evidence.

21. Each penalty or forfeiture imposed by this Act, or Regulations made under it, may be recovered, on parole complaint, before any stipendiary or other magistrate, in a summary manner, on the oath of one credible witness :

Delay between service of summons and its return.

2. Three days shall elapse between the service and the return of summons to any defendant for the first five leagues, and one day more for each additional five leagues of the distance between

between the place at which the summons is dated and the place of service ; Provided that, when it is expedient to proceed against a defendant without delay, any magistrate may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the summons ;

Compelling defendant to appear immediately.

3. Penalties incurred under this Act, or the Regulations made under it, shall be sued for within two years from the commission of the offence ;

Penalties to be sued for within two years.

4. When not otherwise specified, every proprietor or proprietress, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for penalties or moneys recoverable under any of the provisions of the Fisheries Act ;

Who shall be liable.

5. No proceeding under this Act shall be dismissed, and no conviction thereunder shall be quashed for want of form ; nor shall any warrant of arrest or commitment be held void by reason of any defect therein, provided it is alleged that the party has been convicted, and there is a good and valid conviction to sustain the same ; and no case under this Act shall be removed into any Court by Writ of *Certiorari*, unless the party convicted shall first deposit with the convicting Magistrate the amount of fine and costs within twenty-four hours in Upper Canada, and six days in Lower Canada.

No proceedings to be quashed for want of form.

Exception.

POWERS OF MAGISTRATES.

1. Any stipendiary or other magistrate may convict upon his own view of any of the offences, both as infractions and for non-compliance, punishable under the provisions of this Act ; and shall remove or cause to be removed instantly and detain any materials illegally in use :

Magistrate may convict on view, &c.

2. Any stipendiary or other magistrate may search, or shall grant a warrant to have searched, any vessel or place where there is cause to believe that any fish taken in contravention of this Act, and anything used in violation thereof may be concealed ;

And may make search or grant search warrants.

3. The stipendiary magistrate on board of any government vessel employed in the service of protecting fisheries, shall be vested with the summary powers now exercised by Recorders, Sheriffs and Police Magistrates, and the person at the head of the Fisheries Branch of the Department of Crown Lands, for the time being, shall be *ex-officio* a Justice of the Peace in and for each and every county and temporary provisional judicial district in Upper Canada, and each and every district in Lower Canada, for the purpose of this Act without property qualification and

Stipendiary Magistrate in Government vessel to have certain powers.

And to act
under game
Acts.

and the said stipendiary magistrate shall be *ex-officio* a Justice of the Peace in Lower Canada without property qualification, and the said officers and all fishery overseers shall exercise the same powers under the Game Acts in Upper and Lower Canada respectively as under the present Act ;

Offences
committed on
boundaries.

4. Where any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, such offence may be prosecuted before any magistrate in either of such counties or districts ;

Fishing officers
not liable for
trespass.

5. In the discharge of his duties any Fishery Officer, or other person or persons by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass.

FORMS OF PROCEDURE.

Forms as in
Schedule.

Chapter 103 of
C. S. Can. to
apply.

23. Complaints under this Act may be in the form A ;— Summonses in the form B ;—Subpœnas in the form C ;—Convictions in the form D,—and Warrants in the form E, of the Schedule hereunto annexed, or in any other form ; and in other respects the Consolidated Statutes of Canada respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders, shall apply to cases under this Act.

FISHING BOUNTIES.

Amendments to
sections of C. S.
Can. cap. 62,
not hereby
repealed.

24. Amendments to the several sections of chapter sixty-two of the Consolidated Statutes of Canada, relating to Fishing Bounties, which, by the first section of this Act, are excepted from repeal, shall be made as follows :

Sec. 54.

1. In section fifty-four the words " the Superintendent of Fisheries or from " shall be struck out ;

Sec. 59.

2. In section fifty-nine the words " Consolidated " and " of Canada " shall be struck out ;

Sec. 64.

3. In section sixty-four the words " Superintendent of Fisheries or to the " shall be struck out ;

Sec. 66.

4. In section sixty-six the words " Superintendent of Fisheries " shall be struck out, and the words " Commissioner of Crown Lands " inserted in their stead ;

Sec. 67.

5. In section sixty-seven the word " exclusively " shall be inserted in the first line after the word " paid ; "

Sec. 71.

6. In section seventy-one the words " Superintendent of Fisheries " shall be struck out, and the words " Commissioner of Crown Lands," substituted ;

7. The Commissioner of Crown Lands shall have power to make departmental regulations for the prevention of fraud, and to ensure the observance of all requirements of the bounty laws, and the due fulfilment of the intent and meaning thereof; which regulations shall be binding upon all Collectors of Customs and the claimants under bounty licenses ;

Commissioner
of Crown
Lands to make
regulations as
to bounties.

25. This Act shall be known and cited as *The Fisheries Act*. Short title.

SCHEDULE A.

Form of Complaint.

Upper (or Lower) Canada, }
County (or District) of . }

This day of , 18 .

To J. S., a Justice of the Peace
for the said County (or District).

A. B., of , complains that C. D. of , hath
(state the offence briefly in any intelligible terms, with the time
and place at which it was committed,) in contravention of the
Fisheries Act; Wherefore the complainant prays that judgment
may be given against the said C. D., as by the said Act
provided.

(Signature) A. B.

SCHEDULE B.

Summons to Defendant.

Upper (or Lower) Canada, }
County (or District) of . }

To C. D., of , &c.

Whereas complainant hath (this day) been made before me
that you (state the offence in the words of the complaint, or to
like effect) in contravention of the Fisheries Act: Therefore
you are hereby commanded to come before me, at ,
on the day of , at o'clock in the
, to answer the said complaint and to be dealt with
according to law.

Witness my hand and seal, this day of , 18

Justice of the Peace for

[L. S.]
SCHEDULE

SCHEDULE C.

Subpœna to a Witness.

Upper (or Lower) Canada, }
 County (or District) of . }

To E. F., of &c.

Whereas complaint has been made before me that C. D. did (*state the offence as in the Summons*), and I am informed that you can give material evidence in the case : Therefore, you are commanded to appear before me, at , on the day of , at o'clock in the , to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this day of , 18

J. S.,
 (*as in Summons.*)
 [L. S.]

SCHEDULE D.

Form of Conviction.

Upper (or Lower) Canada, }
 County (or District) of . }

Be it remembered, that on this day of 18 , at in the said County (or District), C. D., of , is convicted before me, for that he did, &c. (*stating the offence briefly, and the time and place where committed*), in contravention of the Fisheries Act ; And I adjudge the said C. D. to forfeit (and pay) the sum of (*or mention the thing forfeited under this Act*), to be applied according to law, and also to pay to A. B. (*the complainant*) the sum of for costs :

(*If the penalty be not forthwith paid, add*), and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the County (or District) of for the period of

Witness my hand and seal, this day of , 18 .

J. S.,
 (*as in Summons.*)
 [L. S.]
 SCHEDULE

SCHEDULE E.

*Form of Warrant of Commitment for non-payment of penalty
or forfeiture and costs.*

Upper (or Lower) Canada, }
County (or District) of }

To the Constables and Peace Officers of the County (or District) of _____ and the Keeper of the Common Gaol of the said County (or District), at _____

Whereas C. D., of _____, was on the _____ day of _____ 18____, convicted before me, for that he, &c. (*as in Conviction*), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c. (*as in Conviction*;) And whereas the said C. D. hath not paid the said penalty or forfeiture and costs: Therefore, I command you, the said Constables and Peace Officers, or any of you, to convey the said C. D. to the Common Gaol for the _____ of _____, at _____ and deliver him to the keeper thereof with this warrant; And I command you the said keeper of the said Gaol, to receive the said C. D. into your custody, and keep him safely imprisoned in the said Gaol for the space of _____, and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this _____ day of _____, 18____.

J. S. _____
(*as in Summons.*) [L. S.]

CAP. XII.

An Act in reference to the qualification of Justices of the Peace.

[Assented to 18th September, 1865.]

WHEREAS certain of Her Majesty's Justices of the Peace in this Province have heretofore, in error, taken and subscribed the oath of Qualification of Justices of the Peace mentioned and set forth in the Third Section of the One Hundredth Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Qualification of Justices of the Peace*, before the Clerk of the Peace of the District or County, or before a Commissioner assigned by *Dedimus Potestatem* to administer oaths and declarations, or before some person not being a Justice of the Peace for the District or County for which such Justices intended to act, and it is expedient to confirm such oaths so taken, and to indemnify such Justices from and against all forfeitures, penalties, and proceedings in respect thereof: Therefore, Her Majesty, by and with the advice and consent

Preamble.

Con. Stat. Can.
cap. 100.

of the Legislative Council and Assembly of Canada, enacts as follows :

Before whom the oath of qualification by Justices of the Peace may be taken.

How this provision shall be construed.

Such oaths heretofore taken before certain officers, &c., declared to be good and valid in law.

Provision for protection of persons acting as Justices of the Peace, as regards their having taken the oath of office.

County Judges in U. C. to be *ex officio* Justices of the Peace.

Interpretation Act to apply.

1. For and notwithstanding anything contained in the third section of the one hundredth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the qualification of Justices of the Peace*, the oath of qualification therein mentioned and set forth may be taken and subscribed before any other Justice of the Peace, or before any person assigned by the Governor to administer oaths and declarations, or before the Clerk of the Peace of the District or County for which such Justice intends to act, and a certificate of such oath having been so taken and subscribed, shall be forthwith deposited by the person who has taken the same at the office of the Clerk of the Peace for the district or county, and shall, by the said clerk, be filed among the records of the Sessions of the said district or county, and this provision shall be construed and have effect as if it had been contained in the Act passed in the sixth year of Her Majesty's Reign, intituled: *An Act for the qualification of Justices of the Peace*.

2. All oaths of qualification heretofore taken and subscribed by any Justice of the Peace in this Province before the Clerk of the Peace of the District or County for which such justice intended to act, or before a Commissioner assigned by *Dedimus Potestatem*, to administer oaths and declarations, or before any person not being a duly qualified Justice of the Peace for the said District or County, are hereby declared to have been and to be good and valid in Law and Equity to all intents and purposes; and from and after the passing of this Act no civil action or information or other proceeding at law or in equity shall be brought under the aforesaid Act against any Justice of the Peace for having acted as such Justice of the Peace in and for any District or County in this Province, without having taken and subscribed the aforesaid oath before some Justice of the Peace for the District or County for which he intended to act; and if before the passing of this Act, any such civil action or information or other proceedings at Law or in Equity shall have been brought or is now pending against any Justice of the Peace for the reasons or causes aforesaid, or any matter arising thereout, and in which such civil action, information or other proceedings at Law or in Equity, judgment or execution has not been actually satisfied, the same shall be stayed absolutely without costs, in favour of the plaintiff or informer or his attorney as against the defendant, and no further proceedings of any kind shall be hereafter had therein.

3. Every Judge and every Junior and every Deputy Judge of a County Court in Upper Canada shall, *ex officio*, be a Justice of the Peace for the County or Union of Counties in which he shall be such Judge or Junior or Deputy Judge, and no Deputy Judge shall be disqualified by being an Attorney or Solicitor.

4. The Interpretation Act shall apply to this Act.

CAP. XIII.

An Act for abolishing the punishment of death in certain cases.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to abolish the punishment of death in the cases hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. If any person shall, after the commencement of this Act, be convicted of any of the offences hereinafter mentioned, that is to say : Any person guilty of—

Firstly. Of having, to the number of twelve or more, been unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, and having been required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county or his under sheriff, or by the mayor, bailiff or bailiffs, or other head officer, or justice of the peace of any city or town corporate where such assembly shall have been, by proclamation, made in the Queen's name in the form directed by law, to disperse themselves, and peaceably to depart to their habitations or to their lawful business, and of having, to the number of twelve or more (notwithstanding such Proclamation made), unlawfully, riotously and tumultuously remained or continued together by the space of one hour after such command or request made by proclamation ; or,

Riotously and tumultuously assembling with others, and so continuing after proclamation.

Secondly. Of having with force and arms, wilfully and knowingly opposed, obstructed, or in any manner, wilfully and knowingly let, hindered, or hurt any person or persons who had begun to proclaim, or was going to proclaim, according to the proclamation directed by law to be made, whereby such proclamation shall not have been made ; or,

Obstructing persons making proclamation.

Thirdly. Of having been unlawfully, riotously and tumultuously assembled with other persons to the number of twelve as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid ; and of having, to the number of twelve or more, continued together, and not dispersed themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made ; or,

Unlawfully assembling with others and not dispersing, knowing that proclamation has been hindered.

Fourthly. Of having administered to, or caused to be taken by any person, any poison or other destructive thing, or of having stabbed, cut or wounded any person, or, by any means whatsoever, caused any bodily injury dangerous to life, to any person, with intent, in any of the cases aforesaid, to commit murder ; or,

Causing bodily injury with intent to murder.

Buggery.

Fifthly. Of having been guilty of the abominable crime of buggery committed either with mankind or with any animal ; or,

Robbing and wounding.

Sixthly. Of having robbed any other person, and at the time or immediately before or immediately after such robbery, stabbed, cut, or wounded any person ; or,

Burglary and assault.

Seventhly. Of having burglariously broken and entered any dwelling house, and assaulted with intent to murder any person being therein, or stabbed, cut, wounded, beaten or struck any such person ; or,

Maliciously setting fire to inhabited house.

Eighthly. Of having unlawfully and maliciously set fire to any dwelling house, any person being therein ; or,

Maliciously setting fire to or destroying any ship, &c.

Ninthly. Of having unlawfully and maliciously set fire to, cast away, or in any wise destroyed any ship or vessel, either with intent to murder any person, or whereby the life of any person was endangered ; or,

Exhibiting false lights or signals.

Tenthly. Of having unlawfully exhibited any false light or signal, with intent to bring any ship or vessel into danger, or of having unlawfully and maliciously done anything to cause the immediate loss or destruction of any ship or vessel in distress ;

Shall not suffer or be sentenced to death, but be liable to imprisonment in the discretion of the Court.

Such person shall not suffer death, nor have sentence of death awarded against him or her for the same, but shall be liable at the discretion of the Court, to be imprisoned in the Penitentiary for the term of his or her natural life, or for any term not less than two years, or to be imprisoned in any other prison or place of confinement for any term less than two years.

CAP. XIV.

An Act to provide more fully for the punishment of Offences against the person, in respect to the crime of Kidnapping.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient and necessary to provide more fully for the punishment of the crime of Kidnapping: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Any person guilty of kidnapping to be guilty of felony.

1. Any person who, without lawful authority, shall forcibly seize and confine, or imprison any other person within this Province, or shall kidnap any other person with intent—

1. To cause such other person to be secretly confined or imprisoned in this Province against his will ; or,

2. To cause such other person to be sent or transported out of this Province against his will ; or,

3. To cause such other person to be sold or captured as a slave, or in any way held to service against his will ;

Shall be guilty of felony, and upon conviction, shall be punished by imprisonment in the Penitentiary, for any term not less than two nor more than seven years, or by imprisonment in any other prison or place of confinement for any term not more than two years.

9. Any person who shall be convicted of having been an accessory, before or after the fact, to the commission of any kidnapping or unlawful confinement, as hereinbefore prohibited, shall be guilty of felony ; and all the provisions of the ninety-seventh chapter of the Consolidated Statutes of Canada, respecting accessories before or after the fact, shall be applicable to this Act, and to the offence of kidnapping, as if the same were enacted as part hereof.

Accessories
to be guilty of
felony.

3. Upon the trial of any offence under this Act, the non-resistance of the person so kidnapped or unlawfully confined, thereto, shall not be a defence, unless it appear to the satisfaction of the court and jury that such non-resistance was not caused by threats, *duress*, or force, or exhibition of force.

Consent or
non-resistance
not to be a
defence.

4. Every offence prohibited by this Act may be tried either in the district or county in which the same may have been committed, or in any district or county into or through which any person so kidnapped or confined, may have been carried or taken while under such confinement ; but no person who has been once duly tried for any such offence, shall be liable to be again indicted or tried for the same offence.

Where offend-
ers may be
tried.

C A P . X V .

An Act to provide against the introduction and spreading of disorders affecting certain animals.

[Assented to 18th September, 1865.]

WHEREAS it is expedient that power should be given to the Governor in Council to take such measures as may appear to be necessary in order to prevent the introduction of contagious or infectious disorders affecting sheep, cattle, horses and other animals, and check such disorders from spreading, if introduced, and that other provision should be made for the same purpose : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

Governor in Council may prohibit importation of cattle, &c.

1. It shall be lawful for the Governor, from time to time, by Order in Council, to prohibit the importation or introduction into this Province, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among the sheep, cattle, horses, swine or other animals in this Province.

May order infected cattle imported or fodder, to be destroyed, &c.

2. It shall be lawful for the Governor, from time to time, by Order in Council, to make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival in this Province, or for destroying any hay, straw, fodder or other article whereby it appears to him that contagion or infection may be conveyed, and generally to make such regulations with respect to the importation or introduction into this Province, of sheep, cattle, horses, swine or other animals, as he may consider to be necessary in order to prevent the introduction of any contagious or infectious disorders into this Province.

Cattle, &c., imported contrary to order in Council to be forfeited.

Penalty on importer.

3. If any sheep, cattle, horse, swine or other animal, be imported or introduced, or attempted to be imported or introduced into this Province, contrary to the provisions of any Order in Council made in pursuance of this Act, the same shall be forfeited and forthwith destroyed; and every person importing or introducing, or attempting to import or introduce, any sheep, cattle, horse, swine or other animal into this Province, contrary to the provisions of any such Order in Council, shall be liable to a penalty of two hundred dollars for every sheep, head of cattle, horse, swine or other animal so imported or introduced, or attempted to be imported or introduced into this Province by him.

May prohibit removal of cattle, &c., or fodder, to prevent propagation of infection.

And direct how diseased animals, &c., shall be disposed of.

4. It shall be lawful for the Governor, from time to time, by Order in Council, to make such regulations as to him may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts of or places in this Province, as he may designate in such order, of sheep, cattle, horses, swine or other animals, or of meat, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection; and also for the purpose of purifying any yard, stable, outhouse or other place, or any waggons, carts, carriages, cars or other vehicles; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals, and to make any other orders or regulations for the purpose of giving effect to the provisions

provisions of this Act, and again to revoke, alter or vary any such orders or regulations ; and all provisions for any of the purposes aforesaid, in any such Order in Council contained, shall have the like force and effect as if the same had been inserted in this Act ; and every person offending against the same, shall for each and every offence, forfeit and pay such sum, not exceeding one hundred dollars, as the Governor in Council may, in any case, by any such order, direct to be forfeited and paid for contravention thereof.

Order may be altered.

Penalty for contravention.

5. Every Order in Council made under the authority of this Act, shall, within fourteen days after the issuing thereof, be twice published in the *Canada Gazette* ; and in case any such Order in Council, or any order or regulation in it applies to any particular part of or place in this Province, then such Order in Council shall also be twice published within fourteen days after the issuing thereof, in some newspaper or newspapers circulating in the county or counties within which each of such parts or places, or any portion or portions thereof respectively, is or are situate.

How such orders in Council shall be published.

6. A copy of every Order in Council made under the authority of this Act, shall be laid before each House of the Parliament of this Province, within six weeks after the issuing thereof, if such Parliament be then sitting, and if such Parliament be not then sitting, then within six weeks after the commencement of the then next session of such Parliament.

Copies to be laid before Parliament.

7. In case any animal of any of the kinds mentioned in this Act, infected with or laboring under any contagious or infectious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any two Justices of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor in Council, to seize the same, and to report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place ; and it shall be lawful for such mayor, reeve or justice, either to restore the same or to cause the same together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed, in such manner as he shall deem proper, or as may be directed, as hereinbefore provided ; and any person bringing, or attempting to bring, any animal of any of the kinds mentioned in this Act, into any such market, fair or open or public place as aforesaid, knowing such

Infected animals exposed for sale at market, &c., to be reported and destroyed.

Penalty on persons bringing them to market.

such animal to be infected with or laboring under any contagious or infectious disorder, shall, upon conviction thereof, forfeit and pay for each and every such offence, a sum not exceeding one hundred dollars.

Penalty for turning out infected animals to pasture.

8. If any person turn out, keep or depasture any animal of any of the kinds mentioned in this Act, infected with or laboring under any contagious or infectious disorder, in or upon any forest, wood, moor, beach, marsh, common, waste land, open field, roadside or other undivided or uninclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars.

Recorders may hear cases under this Act.

9. The Recorder of any city, and those officers having the jurisdiction of a Recorder in the summary administration of criminal justice, shall have power to hear, adjudge and determine upon any complaint made under this Act.

C A P . X V I .

An Act to enable aliens to transmit and take real property in this Province by descent.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is desirable that aliens should have the right to transmit and to take real estate by descent : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Rights of aliens with respect to the transmission of real estate by descent to be the same as those of natural born subjects.

1. The real estate in any part of this Province of any alien dying intestate, shall descend and be transmitted as if the same had been the real estate of a natural born or naturalized subject of Her Majesty, and every alien shall have the same capacity to take real estate in any part of this Province by descent, as natural born and naturalized subjects of Her Majesty, in the same parts thereof respectively ; and this provision shall be construed and have effect as if it had been contained in the Act passed in the twelfth year of Her Majesty's Reign, intituled : *An Act to repeal a certain Act therein mentioned, and to make better provisions for the naturalization of aliens ;* Provided always, that nothing herein contained shall alter, impair or affect in any manner or way whatsoever, any right or title legally vested in or acquired by any person or persons whomsoever, before the twenty-third day of November, in the year one thousand eight hundred and forty-nine.

12 V. c. 197.

Existing rights saved.

CAP. XVII.

An Act to secure to Wives and Children the benefit of Assurances on the lives of their Husbands and Parents.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to permit persons to insure Preamble.
 their lives for the benefit of their wives and children :
 Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Council and Assembly of Canada, enacts as
 follows :

1. It shall be lawful for any person to insure his life for the Persons may
 whole term thereof, or for any definite period, for the benefit of insure for the
 his wife or of his wife and children, or of his wife and some or benefit of their
 one of his children, or of his children only or some or one of them, wives or
 and to apportion the amount of the insurance money, as he children.
 may deem proper where the insurance is effected for the benefit
 of more than one.

2. The said insurance may be effected either in the name How insurance
 of the person whose life is insured, or in the name of his wife, may be effected,
 or of any other person (with the assent of such other person) as and premiums
 trustee ; and the premium on any policy of insurance hereafter payable.
 effected under this Act, shall be payable during the whole
 of the said person's life, or during any lesser period, by annual,
 half-yearly, quarterly or monthly payments.

3. It shall be lawful, within one year after the passing of this Insurances
 Act, for any person by writing indorsed upon or attached to heretofore
 any policy of insurance on his life, which may have been effected may be
 effected and issued before the passing of this Act, to declare indorsed in
 that such policy and insurance shall be for the benefit of favour of wives
 his wife, or of his wife and children, or of his wife or some or children.
 or one of his children, or of his children only, or some or one
 of them, and to apportion the amount of the insurance money as
 he may deem proper, when the insurance is declared to be for
 the benefit of more than one.

4. When no apportionment is made in any policy or declara- When no
 tion as aforesaid, all parties interested in the said insurance apportionment
 shall be held to share equally in the same, and when it is is made among
 stated in such policy or declaration, that the insurance is for the children.
 the benefit of the wife and children generally or of the children
 generally without specifying their names, then the word
 "children" shall be held to mean all the children of the per-
 son whose life is insured, living at the time of his death, or
 whether by any other marriage or not.

Sum so insured
not liable to
creditors.

5. Upon the death of the person whose life is insured, the insurance money due upon the policy, shall be payable according to the terms of the policy or of the declaration as aforesaid, as the case may be, free from the claims of any creditor or creditors whomsoever.

Act not to
effect existing
rights.

6. Nothing contained in this Act shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of his wife or children as at present allowed by law, nor shall it affect any assignment of any existing policy made before the passing of this Act, nor any action or proceeding pending, at the time of the passing of this Act, in any Court of law or equity.

C A P. X V I I I.

An Act to amend the Insolvent Act of 1864.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS, it is expedient to amend the Insolvent Act of 1864, in the particulars hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notice by as-
signee.

1. Every Assignee appointed under a Deed of Assignment shall immediately give notice thereof by advertisement. (Form D, appended to the said Act.)

Voluntary
assignments,
how made.

2. A voluntary assignment may be made to any official assignee appointed under the said Act, without the performance of any of the formalities, or the publication of any of the notices required by subsections one, two, three and four of section two of the said Act.

Addition to
Section 3.

Permitting
execution to
remain unsat-
isfied.

Provision in
favour of
seizing cre-
ditor.

3. The following shall be added to, and shall be read and construed as forming part of sub-section *a.* of section three, that is to say: "Or if being a trader, he permits any execution issued against him under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within forty-eight hours of the time fixed by the Sheriff or officer for the sale thereof; subject however to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued; which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the section of this Province in which the execution shall issue."

Service of Writ
of Attachment
in U. C.

4. In Upper Canada, if the defendant in any process for compulsory liquidation, absconds from the Province, or remains without the Province, or conceals himself within the Province,
service

service of the Writ of Attachment issued against him under the said Act, may be validly made upon him in any manner which the Judge may order, upon application to him in that behalf.

5. If the Sheriff or officer charged with any writ of attachment is unable to obtain access to the interior of the house, store, or other premises of the defendant named in such writ, by reason of the same being locked, barred or fastened, such Sheriff or officer shall have the right forcibly to open the same.

Right of officer to enter forcibly.

6. In proceedings, for compulsory liquidation, concurrent Writs of Attachment may be issued, if required by the plaintiff, addressed to the Sheriffs of districts or counties other than that in which such proceedings are being carried on.

Concurrent Writs of Attachment.

7. No declaration shall hereafter be required in proceedings for compulsory liquidation, and such proceedings shall not be contested either as to form or upon the merits, otherwise than by summary petition, as provided by sub-section twelve of section three of the said Act.

No declaration required in compulsory liquidation.

8. Writs of attachment in proceedings for compulsory liquidation may be made returnable after the expiry of five days from the service thereof, where the defendant resides in this Province, and not more than fifteen miles from the place of return; and one additional day for every additional distance of fifteen miles between such residence, if in this Province, and such place of return.

Delay for return of writs of attachment in compulsory liquidation.

9. The guardian appointed under a writ of attachment shall have the right in his own name, and in his capacity as such guardian—but only after having obtained an order of the Judge to that effect, upon cause shown—to institute any conservatory process that may be necessary for the protection of the estate.

Guardian authorized by judge may institute certain proceedings.

10. If, pending proceedings, for compulsory liquidation, the Insolvent should make a voluntary assignment of his estate and effects, in conformity with the provisions of the said Insolvent Act of 1864 and of this Act, the assignee under such assignment may apply for and obtain from the Judge an order to stay such proceedings, subject to the claim of the plaintiff for payment, out of the estate, of the costs incurred in such proceedings.

If voluntary assignment be made during proceedings for compulsory liquidation.

11. If a writ of attachment issue against any trader, by reason of the neglect of such trader to satisfy a writ of execution against him as hereinbefore provided, and such trader shall petition to set aside such writ of attachment, it shall be sufficient for him to shew upon such petition that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such trader to meet his liabilities.

Trader may shew that his default was occasioned by temporary cause.

Effect of assignment declared.

12. The operation of the seventh sub-section of section two, and of the twenty-second sub-section of section three of the said Act, shall extend to all the assets of the insolvent, of every kind and description, although they are actually under seizure under any ordinary writ of attachment, or under any writ of execution, so long as they are not actually sold by the Sheriff or Sheriff's officer under such writ; this clause shall not apply to any writ of execution now in the hands of the Sheriff; but the rights, liens and privileges of the seizing or attaching creditor, for his costs upon any such writ, shall be the same as they were previous to the passing of this Act, in the section of this Province in which such writ shall issue.

Rights of seizing creditor for cost.

Effect of writ of execution issued before the assignment.

13. No lien or privilege upon either the personal or real estate of the insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ, the effects or estate of the insolvent; unless such writ of execution shall have issued and been delivered to the Sheriff at least thirty days before the execution of a deed of assignment, or the issue of a writ of attachment, under the said Act; but this provision shall not apply to any writ of execution heretofore issued and delivered to the Sheriff, nor affect any lien or privilege for costs which the plaintiff heretofore possessed under the law of that section of the Province in which such writ shall have issued.

Proviso: as to costs.

Lien for rent restricted.

14. The preferential lien of the landlord for rent in Upper Canada is restricted to the arrears of rent due during the period of one year last previous to the execution of a deed of assignment, or the issue of a writ of attachment under the said Act, as the case may be, and from thence so long as the assignee shall retain the premises leased.

Right of appeal extended.

15. The right of appeal granted by sub-section two of section seven of the said Act, is hereby extended, and shall apply to any order of a Judge made upon any of the matters or things upon which he is authorized to adjudicate or to make any order by the said Act, or by this Act; and the delay for applying for the allowance of an appeal, is hereby extended to eight days; and the provisions of the seventh sub-section of the seventh section of the said Act, are hereby extended to all judgments and orders of a Judge which are rendered in Lower Canada under the said Act, or under this Act.

Delay for application to appeal, &c.

Attachment, &c., not to be proceeded with after assignment.

16. No attachment or seizure or sale under execution, of any of the estate or effects of an insolvent shall be issued, made or proceeded with, after an Assignee has been appointed under a Deed of Assignment, or after the issue of a Writ of Attachment in proceedings for compulsory liquidation, as the case may be; but all rights and remedies which might otherwise require to be enforced by such attachment, seizure or sale,

Proviso.

sale, shall be enforced by the Judge upon summary petition, duly signified to the assignee and to parties interested, and by the assignee under the order of the Judge to be made thereon.

17. If, at the time of the issue of a Writ of Attachment, or the execution of a Deed of Assignment, any immovable property or real estate of the insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent court, such sale shall be proceeded with by the officer charged with the same, unless stayed by order of the Judge upon application by the guardian or assignee, and upon special cause shewn, and after notice to the plaintiff, reserving to the party prosecuting the sale, his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to be paid by privilege, out of the proceeds of the sale of such property, if made by such officer; but if such sale be proceeded with, the moneys levied therefrom shall be paid over to the assignee for distribution, according to the rank and priority of the claimants thereon, and the officer charged with the execution shall make his return accordingly.

If property of insolvent be under seizure, sale to go on, unless stayed.

Distribution of proceeds of sale.

18. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the assignee to procure the authority of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of creditors takes place without deciding upon the course to be adopted in respect of such security, the assignee shall act in the premises according to his discretion and without delay.

Proceedings when a secured claim is filed.

19. If the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, *hypothèques* and liens thereon, holding rank and priority before his claim; and upon his assuming and binding himself to pay all such previous mortgages, *hypothèques* and liens, and upon his securing such previous charges upon the property mortgaged in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holders of such previous mortgages, *hypothèques* and liens shall have no further recourse or claim upon the estate of the insolvent.

If the security be a mortgage or hypothec.

20. In any contestation in insolvency being proceeded with before an assignee, the assignee may issue subpoenas requiring the attendance of witnesses, and the production of documents by such witnesses, in the same manner as such subpoenas may be issued by the ordinary courts of law; and any witness so summoned may be punished for disobedience to any such subpoena, by the Judge, upon summary petition, in the same manner as any witness may be punished for disobedience to a subpoena

In contested cases a assignee may summon witnesses, &c.

subpoena issued from the court in which the Judge has jurisdiction.

Creditors under \$100 may vote to complete the required proportion in certain cases.

21. If for any purpose it becomes necessary to ascertain the proportion of the creditors of an insolvent who have voted at any meeting or concurred in any act or document, and if it be found that the whole of the creditors holding claims against an insolvent for sums of one hundred dollars and upwards, do not represent the proportion in value of the liabilities of the insolvent subject to be computed in that behalf and required to give validity to such vote, act or document, such proportion may be completed by the votes or concurrence of creditors holding claims of less than one hundred dollars each.

In certain cases, every creditor over \$100 may vote.

22. In the nomination of an assignee, in the granting of an allowance to the insolvent, in the execution of a deed of composition and discharge, in the consent to a discharge, and in every other matter wherein the right of a creditor to vote or act depends upon the amount of his claim, every creditor whose claim amounts to or exceeds one hundred dollars, shall have such right; subject always to the provisions of the said Act respecting the voting and action of secured creditors; and the proportions of creditors so voting or concurring, shall be ascertained by computing all claims entitled so to vote or act.

Proviso.

As to payments made to insolvent in ignorance.

23. Nothing in the said Act contained shall invalidate payment made by a debtor of the insolvent to the insolvent within one week after the execution of a deed of assignment, or of the issue of a writ of attachment, in good faith and in ignorance of the insolvency of his creditor.

How set-off shall apply.

24. The statute of set-off shall apply to all claims in insolvency, and also to all suits instituted by an assignee for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were himself plaintiff or defendant, as the case may be; except in so far as any claim for set-off shall be affected by section eight of the Insolvent Act of 1864, treating of fraud and fraudulent preferences.

Affidavits before whom to be taken.

25. Any affidavit requiring to be sworn in proceedings in insolvency, may be sworn before any Commissioner for taking affidavits appointed by any of the Courts of Law or Equity in this Province, or before any Judge of any Court having civil jurisdiction in this Province.

Certain forms substituted for forms under the said Act, &c.

26. The forms A, H, K, N, O and Q to this Act appended, are substituted for and shall be used respectively, instead of the forms A, H, K, N, O and Q appended to the said Act, and the publication thereof in the *Canada Gazette* may be restricted to one language, in the discretion of the person causing such advertisement to be published; and in publishing any notice required

required by the said Act, the form whereof is not given therein, such form will be sufficient as shall intelligibly express the purport of such notice.

27. The provisions of the said Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable for the debts of the deceased, to any greater extent than they would have been if the said Act and this Act had not been passed.

Act of 1864 to apply to heirs, &c., and to what extent.

28. If any creditor of an insolvent, directly or indirectly, takes or receives from such insolvent, any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent, or to execute a deed of composition and discharge with him, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, and the same shall be recoverable by the assignee for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Penalty on creditor accepting consideration for signing deed of composition or discharge.

29. If, after the issue of a writ of attachment in insolvency, or the execution of a deed of assignment, as the case may be, the insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of the debt, or any sum or sums of money, belonging or due to him, and retains and withholds from his assignee, without lawful right, such portion of his estate or effects or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the assignee may make application to the Judge, by summary petition, and after due notice to insolvent, for an order for the delivery over to him of the effects, documents or moneys so retained; and in default of such delivery in conformity with any order to be made by the Judge, upon such application, such insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such judge may order.

Proceedings if insolvent retains any portion of his effects from the assignee.

Judge's order for delivery.

Imprisonment for default.

30. Whenever under the said Act a meeting of creditors cannot be held, or an application made, until the expiration of a delay named therein, the notices of such meeting or application may be given pending such delay.

As to certain notices under Act of 1864.

FORM A.

Insolvent Act of 1864.

The Creditors of the undersigned are notified to meet at _____, in _____, on _____, the _____ day of _____, at _____ o'clock, _____, to receive statements of his affairs, and to name an Assignee. (*Domicile of debtor and date.*)

(*Signature.*)

The following to be added to notices sent by Post :

The Creditors holding direct claims, and indirect claims, maturing before the meeting, for one hundred dollars each and upwards, are as follows : (*names of Creditors and amounts due*) and the aggregate of claims under one hundred dollars, is \$ _____. (*Domicile of Debtor and date.*)

(*Signature.*)

FORM H.

Insolvent Act of 1864.

A. B., Plaintiff.

C. D., Defendant.

A Writ of Attachment has issued in this cause.

(*Place.*) (*Date.*)

(*Signature.*)

Sheriff.

FORM K.

Insolvent Act of 1864.

In the matter of A. B., (*or A. B. & Co.,*) an insolvent.

The undersigned has been appointed Assignee in this matter, and requires claims to be filed within two months from this date.

(*Place.*) (*Date.*)

(*Signature.*)

Assignee.

FORM N.

Insolvent Act of 1864.

In the matter of A. B., (or A. B. & Co.,) an insolvent.

A dividend sheet has been prepared, subject to objection
until the day of , (Date).

Assignee.

FORM O.

Insolvent Act of 1864.

Province of Canada, }
District (or County) of }

In the (name of Court).

In the matter of A. B. (or A. B. & Co.), an Insolvent.

The undersigned has filed a consent by his creditors to his discharge (or a deed of composition and discharge, executed by his creditors), and on the day of next, he will apply to the said Court (or to the Judge of the said Court, *as the case may be*) for a confirmation thereof.

(Place.) (Date.)

(Signature of Insolvent, or of his Attorney *ad litem*.)

FORM Q.

Insolvent Act of 1864.

Province of Canada, }
District (or County) of }

In the (name of Court).

In the matter of A. B. (or A. B. & Co.,) an Insolvent.

On the day of next, the undersigned will apply to the said Court (or the Judge of the said Court, *as the case may be*) for a discharge under the said Act.

(Place.) (Date.)

(Signature of the Insolvent, or his Attorney *ad litem*.)

CAP. XIX.

An Act granting additional facilities in Commercial Transactions.

[Assented to 18th September, 1855.]

Preamble.

IN amendment of the Act respecting incorporated Banks, forming chapter fifty-four of the Consolidated Statutes of Canada, and of the Act amending the same, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and for the purpose of affording additional facilities in commercial transactions : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Banks may take cove-receipts, &c., as collateral security for Bills or notes discounted.

1. Notwithstanding anything to the contrary in the Charter or Act of incorporation of any Bank in this Province, any cove receipt, or any receipt given by a Cove-keeper or by the keeper of any wharf, yard, harbor or other place, for timber, boards, deals, staves or other lumber laid up, stored or deposited, or to be laid up, stored or deposited in or on the cove, wharf, yard, harbour or other place in this Province, of which he is keeper, or any bill of lading or receipt given by a master of a vessel, or by a carrier for timber, boards, deals, staves or other lumber shipped in such vessel or delivered to such carrier for carriage from any place whatever, to any part of this Province or through the same, or on the waters bordering thereon, or from the same to any other place whatever, may, by indorsement thereon, by the owner of or person entitled to receive such timber, boards, deals, staves or other lumber, or his attorney or agent, be transferred to any incorporated or chartered bank in this Province, or to any person for such bank, or to any private person or persons, as collateral security for the due payment of any bill of exchange or note discounted by such bank in the regular course of its banking business, or of any debt due to such private person or persons, and being so indorsed shall vest in such bank or private person, from the date of such indorsement, all the right and title of the indorser, to or in such timber, boards, deals, staves or other lumber, subject to the right of the indorser to have the same re-transferred to him, if such bill, note or debt be paid when due ; and in the event of the non-payment of such bill or note or debt when due, such bank or private person may sell the said timber, boards, deals, staves or other lumber, and retain the proceeds, or so much thereof as will be equal to the amount due to the bank or private person upon such bill or note or debt, with any interest or costs, returning the overplus, if any, to such indorser.

Effect of indorsement on such receipts.

Cove-keeper, &c., owning or being entitled to timber, &c., may give a certificate of

2. Where any person engaged in the calling of Cove-keeper, or of keeper of any wharf, yard, harbour or other place, or of master of a vessel or carrier by whom a receipt or bill of lading may be given in such his capacity, as hereinbefore mentioned,

mentioned, for timber, boards, deals, staves or other lumber, is at the same time the owner of or entitled himself (otherwise than in his capacity of Cove-keeper, or of keeper of a wharf, yard, harbour or other place, or of master of a vessel or carrier) to receive such timber, boards, deals, staves or other lumber, any such receipt or bill of lading, or any acknowledgment or certificate intended to answer the purpose of such receipt or bill of lading, given and indorsed by such person, shall be as valid and effectual for the purposes of this Act, as if the person giving such receipt or bill of lading, acknowledgment or certificate, and indorsing the same, were not one and the same person.

the fact and indorse the same.

3. But no timber, boards, deals, staves, or other lumber, shall be held in pledge by such bank or private person, for any period exceeding twelve calendar months; and no transfer of any such receipt or bill of lading shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt is negotiated or contracted at the same time with the indorsement of such receipt or bill of lading; and further, no sale of any timber, boards, deals, staves or other lumber, shall be made under this Act, until nor unless thirty days' notice of the time and place of such sale shall have been given, by registered letter transmitted through the Post Office, to the owner of such timber, boards, deals, staves, or other lumber prior to the sale thereof; and every such sale shall be made by public auction after notice thereof by advertisement, stating the time and place thereof, for at least eight days consecutively, in at least two daily newspapers published in or nearest to the place where such sale is to be made; and if such place be in Lower Canada, then at least one of such newspapers shall be a newspaper published in the English language, and at least one other of such newspapers shall be a newspaper published in the French language; and in all cases a daily newspaper shall be deemed to be published nearest to a place if no other daily newspaper be published in the same language in or nearer to such place, if in Lower Canada, or if no two other daily newspapers are published in or nearer to such place if in Upper Canada; and if in any place where any such sale by auction is to be made, there be not any newspaper published daily in either language, but some newspaper or newspapers be published there in such language less often than daily, then such advertisement shall also be published in every issue of such local newspaper, or of at least one of such local newspapers, during the time of its being published in daily newspapers.

Timber, &c., not to be held beyond twelve months.

Receipt to indorse when debt is contracted.

Timber, &c., not to be sold without notice to owner.

Sale to be by public auction.

Notice in L. C.

And in U. C.

In places where no newspaper is published.

4. All advances made on the security of any such cove receipt or bill of lading, or receipt, acknowledgment or certificate as aforesaid, shall give and be held to give to the person, bank or other body corporate making such advances, a claim for the repayment of such advances on the timber, boards, deals,

Advance on cove receipts, &c., to give a first lien on timber, &c.

deals, staves or other lumber therein mentioned, prior to and by preference over the claim of any unpaid vendor or other creditor, save and except claims for wages of labor performed in making and transporting such timber, boards, deals, staves, or other lumber, any law, usage or custom to the contrary notwithstanding.

Sections 68, 69 and 70 of Con. Stat. Can. cap. 92, to apply to cases under this Act.

5. The sixty-eighth section of chapter ninety-two of the Consolidated Statutes of Canada "*respecting offences against persons and property*," shall be applicable and shall be applied to all false receipts or documents of the kind; in the first and second sections of this Act mentioned; and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by that Act in respect of the receipts therein specified; and the wilfully making any false statement in any such receipt, bill of lading, acknowledgment or certificate, or the wilfully alienating or parting with, or not delivering to the holder or indorser any timber, boards, deals, staves or other lumber mentioned in such receipt, bill of lading, acknowledgment or certificate, contrary to the undertaking therein expressed or implied, shall be a misdemeanor, punishable in like manner as any misdemeanor mentioned in section sixty-eight of the said chapter ninety-two of the said Consolidated Statutes.

If the offence be committed in the name of a firm.

6. If any offence in the last preceding section mentioned, be committed by the doing of anything in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, or who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

C A P . X X .

An Act to amend the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, respecting the granting of Charters of Incorporation to Manufacturing, Mining and other Companies.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 27, 28 V. c. 23 to apply to companies for constructing Skating Rinks.

1. From and after the passing of this Act, the seventh subsection of the first section of the twenty-third chapter of the Acts passed in the twenty-seventh and twenty-eighth years of the Reign of Her Majesty Queen Victoria, shall be read and construed as if the words "or Skating Rink or Rinks, or Skating Pond or Ponds," were inserted therein after the word "houses,"

"houses," in the fourth line thereof, and as if the word "recreative" were inserted after the word "scientific" in the fifth line of the said sub-section.

2. The fourth section of the said Act shall be read and construed as if the words "and all subscriptions of shares and payments on account thereof, made prior to the issue of the Letters Patent, shall be as valid and binding upon the subscribers and upon the company as if made subsequently to the issue of the said Letters Patent," were inserted after the word "with" in the eleventh line thereof.

Sect. 4 of the said Act amended as to subscriptions.

3. The fifth section of the said Act shall be read and construed as if the words, "but the Governor in Council may, at any time on the application of the company, authorize an increase of the Board of Directors to any number not exceeding fifteen," were inserted after the word "Directors," at the end of the first sub-section thereof.

Sect. 5 amended number of Directors.

C A P. X X I.

An Act to amend chapter sixty-three of the Consolidated Statutes of Canada, respecting Joint Stock Manufacturing and other Companies.

[Assented to 18th September, 1865.]

WHEREAS it is desirable that the Act chapter sixty-three of the Consolidated Statutes of Canada, should be declared to have applied to authorize the organization of Companies for the purpose of boring for and using Petroleum: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
Con. Stat. Can.
c. 63.

1. Section one of the sixty-third chapter of the Consolidated Statutes of Canada shall apply and the same is hereby declared to have applied to Companies established or to be established for boring and working Petroleum wells.

The said Act to apply to Petroleum Companies.

C A P. X X I I.

An Act to authorize the formation of companies or co-operative associations for the purpose of carrying on, in common, any trade or business.

[Assented to 18th September, 1865.]

WHEREAS it is desirable to make provision in one general law for the establishment and incorporation, in this Province, of societies or associations, to be formed for the purpose

Preamble.

purpose of raising, by voluntary subscriptions of the members thereof, a fund to enable them, as such societies, to carry on or exercise in common any labor, trade or business, or several labors, trades or businesses, except the working of mines, minerals or quarries, and except also the business of banking and insurance: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Seven or more persons may associate themselves together, for co-operative labor, trader, &c.

Provincial Secretary to grant certificate, on compliance with this Act.

Identical names not allowed to different companies.

Each member's share limited.

Places where business may be carried on.

Rules of Society to be framed.

1. At any time hereafter, any seven or more persons who may desire to associate themselves together for the purpose of carrying on any labor, trade or business, whether wholesale or retail, except as aforesaid, may make, sign and acknowledge before a Notary Public or Justice of the Peace, and file in the office of the Registrar of the county in which the business of the association is intended to be carried on, together with a duplicate in the office of the Provincial Secretary, a certificate in writing in the form mentioned in the schedule to this Act or to the same effect, and thereupon and upon the filing of the Registrar's certificate as in the sixth section hereinafter mentioned, the Provincial Secretary shall grant his certificate which shall be conclusive evidence that the association mentioned therein has been duly registered, and thereupon the members of such association shall become a body corporate by the name therein described having perpetual succession and a common seal, with power to hold such lands as are required for the convenient management of their business ; and may, by such corporate name, sue and be sued in all courts of justice in this Province.

2. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the members or the public, and the word " limited " shall be the last word in the name of any association registered under this Act.

3. No member shall be entitled, in any society registered under this Act, to hold or claim any interest exceeding four hundred dollars.

4. Any certificate so to be filed may designate any one or more places where the business is to be carried on, but if in separate counties a duplicate must be filed in the registrar's office of each county.

5. Before any society shall commence operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the society, and the rules of every society to be formed under this Act shall contain provisions in respect of the several matters mentioned in the schedule of this Act.

6. Such rules shall, before adoption, be transmitted to the Provincial Secretary for the approval of the Governor General, and if such rules are found in conformity with law, and with the provisions of this Act, and shall be approved by the Governor General, the Provincial Secretary shall give a certificate to that effect in duplicate, and shall forward one to the registrar of the county, and the other to the secretary of the society, and all rules, when so certified, shall be binding on all the members of the society, in the same manner as if they had been inserted in this Act, and upon such rules being so certified and filed the society shall be held to be completely registered and incorporated.

Rules to be transmitted for approval by the Governor and registered.

Approval, &c., to complete incorporation.

7. After such rules shall have been so certified, it shall be lawful for such society, by resolutions, at a meeting specially called for that purpose, to alter, amend, or rescind the same, or any of them, or to make new rules; provided always, that two copies of the proposed alterations, or amendments, and of such new rules, shall be transmitted to the Provincial Secretary for approval as aforesaid, to one of which shall be attached a declaration by the secretary, or one of the officers of such society, that in making the same, the rules of such society respecting the making, altering, amending and rescinding rules, and the directions of the Act in respect thereof, have been duly complied with, and if such alterations, amendments and new rules are found in conformity with law, and shall be approved as aforesaid, the Provincial Secretary shall give to the society a similar certificate to that in the last section mentioned, and forward a copy of such amendments, so certified, to the registrar of the county, and another to the secretary of the society, which shall thereupon become binding on the several members, and all persons claiming under a member.

Alteration of rules.

Alterations must be approved before coming into force: and registered.

8. The capital of the association shall be in shares of such denomination as shall be mentioned in the said rules.

9. The share may be payable by instalments not extending beyond twenty per cent at such times and in such manner as may be mentioned in the rules; but no member shall be entitled to draw more than his proportion of interest on the paid up portion of his shares, and shares shall not be transferable; but the members may, from time to time, withdraw, upon such terms as may be specified in the rules.

Payment shares.

10. All elections shall be by ballot, and each member shall be entitled to one vote only.

Elections.

11. In case it shall happen at any time that an election of trustees shall not be made on the day designated in the rules of the association, when it ought to have been made, the association shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election in such manner as shall

Provision in case of failure of any election.

shall be provided for in the rules, or at a general meeting of the members, to be specially called for that purpose, due notice being given of such election as in the rules provided, and all acts of trustees, until their successors shall be appointed, shall be valid and binding.

Every Society
to give publi-
city to its name.

12. Every society registered under this Act, shall paint or affix and shall keep painted or affixed, its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of such society, and in all cheques and orders for money or goods, purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices, receipts and letters of credit of the society.

Rules to be
binding on
Society and
the members
thereof.

13. The rules of every society registered under this Act shall bind the society and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant, on the part of himself, his heirs, executors and administrators to conform to such rules, subject to the provisions of this Act; and all moneys payable by any member to the society, in pursuance of such rules, shall be deemed to be a debt due from such member to the society.

Business to be
for cash only.

14. The business of the association shall be a cash business exclusively; no credit shall be either given or taken, and no officer, member or servant of the association, or any number of them together, shall have power to contract any debt whatever in its name, except in respect of rent of the premises required for the business, the salary of clerks and servants, and such like contracts, necessary in the management of the affairs of the society; everything shall be bought and sold for cash only.

Officers to give
security.

15. Every person appointed to any office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandize for the purposes of the association, shall, before entering upon the duties of his office, give such security as shall be deemed sufficient by the Trustees, which security shall be varied in amount or renewed from time to time, as the amount of business done, or other circumstances shall, from time to time, in their discretion, be required.

Officers or per-
sons obtaining
improper pos-
session of
money, &c., or
misapplying the
same.

16. If any officer, member or other person, being or representing himself to be a member of such society, or the heirs, executors, or administrators of a member thereof, or any person whatsoever, by false representation or imposition, shall obtain possession of any moneys, securities, books, papers or other effects of such society, or having the same in his possession, shall

shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such society or any part thereof, it shall be lawful for any Justice of the Peace, acting in the county or city in which the place of business of such society shall be situated, upon complaint made by any person on behalf of such society, to summon the person against whom such complaint is made to appear at a time and place to be named in such summons, and any two Justices present at the time and place mentioned in such summons, shall proceed to hear and determine the said complaint, and if the said Justices shall determine the said complaint to be proved against such person, they shall adjudge and order him to deliver up all such money, securities, books, papers or other effects to the society, or to repay the amount of money applied improperly, and to pay, if they shall think fit, a further sum of money not exceeding eighty dollars, together with costs not exceeding four dollars; and in default of such delivery of effects, or payment of such amount of money, or payment of such penalty and costs aforesaid, the said Justices may order the said person so convicted to be imprisoned in the common gaol with or without hard labor for any term not exceeding three months; Provided that nothing herein contained shall prevent the said society from proceeding by indictment against the said party; Provided also, that no person shall be proceeded against by indictment, if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Proceedings in such case.

Penalty.

Proviso.

Proviso.

17. Every dispute between any member or members of any society established under this Act, or any person claiming through or under a member, or under the rules of such society and the trustees, treasurer or other officer thereof, shall be decided by arbitration in manner directed by the rules of such society, and the decision so made shall be binding and conclusive on all parties without appeal.

Disputes to be settled by arbitration.

18. The trustees shall, once in every year transmit to the Provincial Secretary a general statement of the funds and effects of the society, the number of shareholders therein, and such other information as may be requisite to show clearly the position of the society and the business done during the year, which return shall be verified by the affidavit or declaration of the president and manager, and any person signing or making such affidavit or declaration, knowing the same to be in any respect untrue, shall be deemed guilty of perjury and liable to be punished accordingly.

Annual return to Government.

19. In case of the dissolution of any such society, such society shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that such society may do all things necessary to the winding

Winding up of affairs, in case of dissolution.

winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters.

Liability of
shareholders
limited.

20. The liability of the shareholders shall be limited, that is to say: No shareholder in any such society shall be in any manner liable for or charged with the payment of any debt or demand due by the society, beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares, shall be absolved from all further liability.

CERTIFICATE REFERRED TO IN THE FOREGOING ACT.

PROVINCE OF CANADA, } We (insert names of subscribers not
To Wit: } less than seven) do hereby certify that
we desire to form a company or association pursuant to the provisions of an Act, intituled: *An Act to authorize the formation of Companies or Co-operative Associations for the purpose of carrying on in common any trade or business.*"

Passed on the day of

The corporate name of the company is to be (insert name of the company) limited"; and the objects for which the company is to be formed are (insert objects for which company is formed). The number of shares are to be unlimited, and the capital is to consist of shares of (insert amount of share) each, or of such other amount as shall from time to time be determined by the rules of the society. The number of the trustees who shall manage the concerns of the company shall be (insert number of trustees,) and the names of such trustees for the first year are (insert names such of trustees,) and the name of the place (or places) where the operations of the said company are to be carried on is, or are (insert name of place or places where the operations of the said company are to be carried on.)

On the day of , A. D. 186 , before me personally appeared (insert names of subscribers to the certificate) to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

Notary Public.

SCHEDULE OF MATTERS TO BE PROVIDED FOR IN THE RULES.

Mode of convening general and special meetings and of altering rules.

Provisions

Provisions for the audit of accounts.

Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members.

Mode of application of profits.

Appointment of managers and other officers, and their respective powers and remuneration, and provisions for filling vacancies occasioned by death, resignation and other causes.

C A P. X X I I I.

An Act for the further improvement of Grammar Schools in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to make further provision for the improvement of Grammar Schools in Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Each city shall, for all Grammar School purposes, be a county ; and its Municipal Council shall be invested with all the Grammar School powers now possessed by County Councils ; but when, and so long as, the only Grammar School of the County is situated within a city, the Council of such County shall appoint one half of the trustees of such Grammar School.

Cities to be as counties for Grammar School purposes.

County to appoint one half trustees.

2. Each County Council at its first session to be held after the first day of January next, shall select and appoint as Trustees of each Grammar School situated in a town or incorporated village and within its jurisdiction, three fit and proper persons as Trustees of such Grammar School ; and the corporation of the town or incorporated village municipality, within the limits of which such Grammar School is or may be situated, shall also at its first session in January next, appoint three fit and proper persons as Trustees of such Grammar School, one of whom, in the order of their appointment, in each case, shall annually retire from office on the thirty-first day of January in each year (but may be re-appointed) ; and, on the incorporation hereafter of any village in which a Grammar School is established, the county and village council shall at their first meeting in January next thereafter, appoint trustees in like manner as aforesaid for the Grammar School in such incorporated village ; and the vacancy occasioned by the annual retirement of trustees, as also any occasional vacancy in their number, arising from death, resignation, removal from the municipality, or otherwise, shall be filled up by such County, town or village Council, as the case may be, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of

Appointment of Trustees by County and Local Municipalities, in which Grammar Schools are situated.

As to villages hereafter incorporated.

Filling vacancies.

of the term for which the person whose place shall have become vacant was appointed to serve.

Trustees to be a corporation ; powers, &c.

3. The Trustees appointed as aforesaid shall be a corporation, and shall succeed to all the rights, names, powers and obligations conferred or imposed upon Trustees of Grammar Schools by chapter sixty-three of the Consolidated Statutes for Upper Canada, and by this Act.

Grammar School property vested in Trustees.

4. All property heretofore given or acquired in any municipality and vested in any person or persons, or corporation for Grammar School purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of Grammar School Trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held.

Case of Union of Grammar and Common School Trustees, provided for.

5. In all cases of the union of Grammar and Common School Trustee Corporations, all the members of both Corporations shall constitute the joint Board, seven of whom shall form a quorum ; but such union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the joint Board called for that purpose ; On the dissolution of such union between any Grammar and Common School, or department thereof, the school property held or possessed by the joint Board shall be divided or applied to public school purposes, as may be agreed upon by a majority of the members of each Trustee Corporation ; or if they fail to agree within the space of six months after such dissolution, then by the Municipal Council of the city, town or incorporated village within the limits of which such Schools are situated, and, in the case of unincorporated villages, by the County Council.

And case of dissolution of such union.

Condition of share in Grammar School Fund.

6. No Grammar School shall be entitled to share in the Grammar School fund, unless a sum shall be provided, from local sources, exclusive of fees, equal at least to half the sum apportioned to such school, and expended for the same purpose as the said fund.

Basis of apportionment to Grammar Schools.

7. The apportionment payable half yearly to the Grammar Schools shall be made to each School conducted according to law, upon the basis of the daily average attendance at such Grammar School of pupils in the programme of studies prescribed according to law for Grammar Schools ; such attendance shall be certified by the Head Master and Trustees and verified by the Inspector of Grammar Schools.

Condition on which a county may have an additional Grammar School.

8. No additional Grammar School shall be established in any county unless the Grammar School fund shall be sufficient to allow of an apportionment at the rate of three hundred dollars per annum to be made to such additional school, without diminishing

diminishing the fund which may have been available for Grammar Schools during the then next preceding year.

9. All differences between Boards of Trustees and Head Masters and Teachers of Grammar or Common Schools in cities, towns and incorporated villages, in regard to salary, sums due, or any other such matter in dispute between them, shall be settled by arbitration according to the provisions of the Common School law relating to such arbitrations; and in cities, towns and incorporated villages the Local Superintendent, (being an officer of the Board concerned, and having no jurisdiction in the case of Grammar Schools,) shall not act as an arbitrator; but in the event of a difference of opinion on the part of the two arbitrators, they shall themselves choose a third arbitrator, and the decision of a majority of the arbitrators thus chosen shall be final.

Differences between Trustees and Masters as to salary, &c., how to be settled.

10. Each of the Grammar School Meteorological stations, at which the daily observations are made, as required by law, shall be entitled to an additional apportionment out of the Grammar School fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed and satisfactory monthly abstracts thereof are furnished to the Chief Superintendent, according to the form and regulations provided by the Department of Public Instruction; but the number and locality of such meteorological stations shall be designated by the Council of Public Instruction with the approval of the Governor in Council.

Additional allowance for meteorological stations.

Number, &c., of such stations, how fixed.

11. After the passing of this Act no person shall be deemed to be legally qualified to be appointed Head Master of a Grammar School, unless he be a graduate of some University within the British Dominions; but any person legally qualified and appointed to be a Head Master in any Grammar School during the year next before the passing of this Act shall be deemed qualified notwithstanding this section.

Qualification of Head Masters.

Exception.

12. It shall be lawful for the Governor in Council to prescribe a course of Elementary Military Instruction for Grammar School pupils, and to appropriate out of any money granted for the purpose, a sum not exceeding fifty dollars per annum to any school, the Head Master of which shall have passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months; such classes and instruction to be subject to such inspection and oversight as the Governor in Council may direct.

Governor in Council may appropriate part of Grammar School allowance, for military instruction.

13. The provisions of the Acts relating to Grammar and Common Schools shall apply to the town of Richmond, in the county of Carleton, the same as to any other towns or incorporated villages.

School Acts to apply to Town of Richmond.

Certificates to
meritorious
Teachers.

14. It shall be lawful for the Council of Public Instruction, with the sanction of the Governor in Council, to make regulations for giving to meritorious Common School Teachers, certificates of qualification which shall be valid in any part of Upper Canada until revoked.

Inconsistent
enactments
repealed.

15. So much of the Grammar and Common School Acts of Upper Canada, as are inconsistent with the provisions of this Act, are hereby repealed.

CAP. XXIV.

An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

Interpretation
clause.

"Instrument."

1. In the construction of this Act the word "Instrument" shall include every deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, letter of attorney, will, probate of will, grant of administration with the will annexed, municipal road by-law, certificate of proceedings, decree of foreclosure, and every other certificate or decree of the Court of Chancery or of any other Court on its equity side, affecting any interest in or title to land, also, every Sheriff's deed of lands sold by virtue of his office, and every contract in writing,—and every Commission and proceeding in Lunacy, Bankruptcy and Insolvency,—and every other instrument whereby lands or real estate in Upper Canada may be transferred, disposed of, charged, encumbered, or affected; the word "Land" shall include lands, tenements, hereditaments, appurtenances and real estate; the word "Will" shall include probate of will and exemplification, or notarial copies of probate of will and letters of administration with the will annexed, and any devise whereby lands are disposed of or affected; the word "County" shall include a union of counties, a city, junior county and any part of a county or counties set apart for judicial or registration purposes; the word "Treasurer" shall include Chamberlain of any Municipal Council.

"Land."

"Will."

"County."

"Treasurer."

Acts repealed
Con. Stat. U.
C. c. 39.

24 V. c. 41.

2. Chapter eighty-nine of the Consolidated Statutes for Upper Canada, intituled : "An Act respecting the Registration of Deeds, Wills, Judgments, Decrees in Chancery, and other Instruments," and an Act passed in the twenty-fourth year of Her Majesty's Reign, chapter forty-one, intituled : "An Act to
repeal

repeal the laws relating to the Registration of Judgments in Upper Canada," and an Act chaptered forty-two, passed in the twenty-fourth year of Her Majesty's Reign, intituled: "An Act to amend chapter eighty-nine of the Consolidated Statutes for Upper Canada, respecting the Registration of Deeds and other Instruments," and an Act passed in the twenty-fifth year of Her Majesty's Reign, chapter twenty-one, intituled: "An Act relating to Mortgages in Upper Canada," are hereby repealed, from and after the thirty-first day of December next, and all Acts and parts of Acts repealed by any of the above Acts shall remain repealed; Provided, always, that all registrations, official acts, records, matters and things, done in pursuance of any or either of the said repealed Acts, shall, where they are valid and effectual at the time of the passing of this Act, remain and continue to be valid and effectual to all intents and purposes.

24 V. c. 42.

25 V. c. 21.

From and after
31 Decr., 1866.Saving clause
as to things
done.

3. So much of all other Statutes, parts and clauses of Statutes, as relates to the proof required for, and the mode of, Registration of Instruments and the filing of plans in the County Registry Offices for Upper Canada, is hereby repealed from and after the said thirty-first day of December next.

Parts of other
Acts relative to
Registration,
repealed from
same date.

REGISTRY OFFICES.

4. There shall be a separate Registry Office in every riding, county, union of counties and city in Upper Canada wherein at present a separate Registry Office is established; and whenever any county is separated for judicial purposes from a union of counties, or a new county is formed and set apart for judicial purposes, there shall be a separate Registry Office established therein, by the Governor in Council, which office shall be kept in the county town in like manner as in other county towns.

In and for what
places there
shall be Registry
Offices.New counties
or separation of
counties.

5. Whenever in any county or riding, the Registry Office appears to the Governor in Council to be inconveniently situated, he may, by Proclamation, order the same to be removed to any other place in the county or riding.

Place of Registry
Office
may be
removed.

6. For the safe-keeping of all books, memorials, duplicates and other instruments of whatever description, and plans, belonging to the office of Registrar, the council of each and every county where, when this Act takes effect, or at any time thereafter, there are no safe and proper fire-proof offices and vaults provided by such council, or where thereafter any Registry Office may be established, shall provide, furnish and maintain a fire-proof registry office, fire proof vaulted, upon a plan and on a site to be approved of by the Governor in Council, and shall thereafter keep the same furnished and in good repair.

County Councils
to provide
fire-proof offices
and vaults.

7. Every Registry Office shall be kept by an officer to be called the Registrar.

Registrars.

REGISTRAR.

REGISTRAR.

Registrars,
how appointed,
&c.

8. The Governor shall, as occasion may require, from time to time, by Commission, under the Great Seal of the Province, appoint a fit person to the Office of Registrar, and shall, in like manner, fill up any vacancy occurring by the death, resignation, removal or forfeiture of office by any Registrar.

Present Registrars,
bonds, &c., to continue.

9. Every Registrar in office when this Act takes effect is hereby continued therein, subject to the Laws in force respecting public officers, and to the provisions and requirements of this Act, and all recognizances by Registrars and their sureties in force at the passing of this Act, shall continue in force under this Act.

Security to be
given by Registrars.

10. Before any Registrar is sworn into office, such Registrar and two or more sufficient sureties shall enter into a joint and several recognizance in writing under their hands and seals, to Her Majesty, in a penal sum to be fixed at not less than four thousand nor more than ten thousand dollars, which recognizance shall be approved of by the Governor in Council, and the same shall be taken by any two Justices of the Peace for the County, and shall be conditioned for the true and faithful performance, by the said Registrar or his Deputy, of his duty in the execution of all things directed and required of him by this Act, and such Registrar shall also execute and enter into a joint a several covenant in duplicate with the same or other sureties, which duplicate covenant may be in form appended to this Act, marked A, or to the like effect to which recognizance and to each of which covenants shall be attached an affidavit in the form appended to this Act marked B, or to the like effect, made by each of the obligors and covenanters therein mentioned, and such recognizance and one of such duplicate covenants with the affidavits appended shall be forthwith transmitted to the Provincial Secretary, to be by him retained, and the other duplicate covenant, with the affidavits aforesaid, shall be by such Registrar forthwith filed in the office of the Clerk of the Peace for the County or Union of Counties, where the same shall remain of record ;

Form.

Affidavit.

Where recognizance shall be kept.

New recognizances may be required by Inspector.

A. The Registrar, whether appointed before or after the passing of this Act, may at any time be required by the inspector to execute a new recognizance and covenants in the form and to the effect hereinbefore provided, and to furnish other sureties as may be deemed expedient ;

Copies may be obtained by any person.

B. Any person may examine and obtain a copy of the Registrar's covenant and affidavits on payment to the Clerk of the Peace of a fee for such copy and search, of one dollar, or for such search, of twenty-five cents ;

Liability of Registrars and their sureties.

C. The said Registrar and his sureties shall be jointly and severally liable on their covenant to any aggrieved person or persons

persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or wilful misconduct of the Registrar or his Deputy in the performance of the duties of his office.

11. Every Registrar, before he enters upon the execution of his office shall, before two or more Justices of the Peace for the County, take the oath given in the form marked C in the Appendix hereto, which shall be transmitted to the Provincial Secretary, together with the recognizance and covenant aforesaid. Registrar's oath of office.

12. The Registrar may nominate a Deputy or Deputies in his Office, who may perform all the duties required under this Act, in the same manner and to the like effect as if done by the Registrar, such nomination to be in writing, under the hand of the Registrar; and any Registrar may remove his Deputy and appoint another in his place whenever he may think it necessary; and in case of the death, resignation, removal or forfeiture of office of the Registrar, the Deputy Registrar, or in case of there being more than one, the Senior Deputy Registrar, shall do and perform all and every act, matter and thing necessary for the due execution of the said office, until a new appointment of Registrar is made by the Governor. Appointment of deputies.

Removal.

Power of deputy in case of death or removal of Registrar.

13. Every Deputy Registrar before he enters on the execution of his office shall, before two or more Justices of the Peace for the County, take the oath or an oath to the like effect, appointed to be taken by the Registrar, which shall be filed in the like manner. Deputy's oath of office.

14. No Registrar or Deputy Registrar shall, directly or indirectly, act as the Agent of any Corporation, Society, Company, Person or Persons investing money and taking securities on real estate within his County, nor shall such Registrar or Deputy Registrar advise, for fee or other reward, upon titles of land, within his County, upon pain of forfeiture of office; and every Registrar, Deputy or Clerk in such office employed to prepare any instrument affecting land for gain or reward, shall be subject to the same liabilities as Attorneys and Solicitors for neglect or unskilfulness. Registrars or Deputies not to Act as Agents, or advise as to titles, &c., in their counties.

Liability if they prepare instruments.

DUTIES OF REGISTRARS.

15. Every Registrar shall reside within ten miles of his office, and shall keep his office at the place named in his commission or otherwise as appointed by the Governor in Council, or by any Act in force respecting the same. Residence of Registrars.

16. If the Registrar in any manner misconducts himself in his office or neglects to perform his duty in every respect, as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof, Removal for misconduct.

Liability.

And of Deputy
executing
office.

thereof, then such Registrar may, at the discretion of the Governor in Council, be dismissed, and he shall, moreover, together with his sureties, so far as their covenant extends, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in any of Her Majesty's Superior Courts of Record; and any Deputy executing the office of Registrar during any vacancy by death, resignation or forfeiture of the Registrar, shall be for the same cause, and in like manner liable.

Hours of atten-
dance at office.

Holidays.

17. The Registrar or his Deputy shall, for the despatch of all duties belonging to the said office attend as his office from the hour of ten in the forenoon until three in the afternoon, every day in the year except Sunday, New Year's Day, Ash Wednesday, Good Friday, Easter Monday, the Queens Birthday, Christmas day, and every day by Proclamation of the Governor appointed to be held as a general Fast day or Holiday in Upper Canada, an no Instrument shall be registered by him on any such days.

Registrars to
make searches
and abstracts,
on certain con-
ditions.To exhibit
originals of
instruments,
&c.To certify
copies, &c.

18. The Registrar shall, when required, and upon being tendered the legal fees for so doing, make searches and furnish copies and abstracts of or concerning all Memorials, or other Instruments registered, mentioning any lot of land as described in the Patent thereof from the Crown, or any lot, described by number or letter on any registered map or plan, subsequent to the registration of such map or plan, or any part of a lot when the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey by the party and of and concerning all Wills, Deeds, Orders or other Instruments recorded, as may be requested of him in writing, if a writing be demanded by the Registrar, and shall exhibit the original registered Instrument, and also the books of the office relating thereto when the party desires to make a personal inspection of such books, and shall give certificates of all copies and extracts under his hand of and concerning the parties to any of such documents, or of the witnesses to the same, or any other particulars which may be required.

Registrar to
have a seal of
office and for
what purposes.Not bound to
produce papers,

19. Every Registrar under this Act shall have a Seal of Office, to be approved of by the Inspector, and on request of any person or persons, body corporate or otherwise, shall furnish an exemplification or certified copy under his hand and seal of office, of any instrument or memorial deposited, registered or filed, and kept in his office as such Registrar, which exemplification or certified copy shall be received as *prima facie* evidence in every Court of Law or Equity in Upper Canada, in the same manner and with the same effect as if the original thereof, in his office, was produced; and no Registrar or Deputy Registrar shall be required to produce any paper in his custody as such Registrar

or Deputy Registrar, unless ordered by a Judge of some one of the Courts of Upper Canada, which order shall be produced to the officer issuing the subpoena requiring such production, and shall be by him noted in the margin of such subpoena, and signed by such officer.

except on order of judge.

BOOKS OF OFFICE.

20. The Treasurer of the County or City shall provide a fit and proper Register Book for each Township, reputed Township, City, Town and Incorporated Village, the limits whereof are defined by law, and all Indices and other books required for the business of the said office; and all such Register Books shall be as nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size or nearly so; and from the time such books are so provided and received at the Registry Office, the person who holds and executes the office of Registrar, shall keep and cause to be used for that purpose, a separate Register Book for and of each Township, reputed Township, City, Town and Incorporated Village, the limits whereof are defined by law, within the county, for which he holds office; and he shall also keep and cause to be used for that purpose a general Register book for the whole county, in which shall be recorded all wills and instruments in which there is a general devise, conveyance or power affecting lands without local description, and in which book an alphabetical index of the names of all the parties mentioned by name in such instrument shall also be kept; And whenever any Registrar requires a new Register Book, or any other book for the use of his office, the same shall, on his application therefor, be furnished to him by the Treasurer, and all such books so furnished shall be paid for by the Treasurer out of the County or City funds as the case may be; and all such Books so furnished, used and kept, shall be deemed to be the property of Her Majesty for the use and benefit of the public.

County Treasurer to provide proper books, one for each locality in the county.

General Registry book for the whole county, and for what purposes.

New books to be furnished when required.

21. If the Treasurer refuses or neglects to furnish such books within thirty days after such application therefor, the Registrar may provide the same and recover the costs thereof from the Municipality of the County or City so in default.

If the Treasurer neglects to provide books.

22. The Judge of the County Court or Warden of the County shall give a certificate respecting each Registry or other Book so furnished or provided, in the form D, or to the like effect, in the Appendix hereto.

County Judge or warden to certify books.

23. When any County, City, Town, incorporated Village, Township, reputed Township or place, making part of a County wherein a separate Registry Office is or has been kept, is or has been detached from some union or County and set apart for Registration purposes or attached to or made part of another county

Provision when any place is separated from a county, or detached from one county and

attached to another.

Certain books, &c., to be transferred.

Statement to be furnished from general registry book.

Duty of Registrar receiving the same.

Penalty on Registrar refusing to make such transfer, &c.

Registrar removed or resigning to deliver up books, &c.

county for which a separate Registry Office is also kept, or when a separate Registry Office is established in any County or junior County, according to the provisions of this Act, the Registrar of the County from which such localities are so detached, shall deliver to the Registrar of the County set apart, or of the County whereunto the same is attached, the Registry Book or Books and all other Books and Indices which have been kept according to the statute, exclusively for such County, City, Town, Incorporated Village, Township or reputed Township or place, the original memorials and original duplicates of all deeds, conveyances and wills of, or relating exclusively to, any lands within the same, and all other instruments, and all maps of Cities Towns or Villages within the same, lodged according to law in his office, also a statement of all titles to lands within such detached localities, registered before separate Registry Books were kept for each township or place, which statement shall contain a schedule of all memorials and other registered instruments which are so delivered, and also an exact copy of all memorials and other registered documents affecting such lands which, by reason of their relating to two or more localities cannot be delivered, and such statement shall also contain the same particulars with regard to wills, and shall be accompanied by indices of names, and an index of lots, which shall be considered as a part of the said statement; such Registrar shall also furnish therewith a statement and copy of all wills and other instruments registered in any general Registry Book and shall carefully compare such statement with the original entries in the Register Books in his office, and indorse a certificate to that effect on the statement when furnishing the same; The Registrar receiving such books, and his successors, shall keep the same among the Registry Books of his office, and deal with them, in all respects in like manner as those originally supplied to and kept therein.

24. Any Registrar who refuses to deliver such books, plans, duplicates, indices or memorials, as aforesaid, within six months after demand in writing therefor, made upon him by the Registrar entitled to receive the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court of Oyer and Terminer and General Gaol Delivery, shall forfeit his office and be liable to a fine, in the discretion of such Court, not exceeding four hundred dollars.

25. In case any Registrar shall have been removed from or shall resign his office, he shall forthwith deliver up all books, plans, instruments, memorials and indices in his possession, as such Registrar, to the person who is appointed Registrar in his stead, or to any other person who may be specially appointed in writing by Her Majesty's Attorney General or Solicitor General for Upper Canada to receive the same, and if such Registrar refuse to do so, the Attorney General or Solicitor General may direct the Sheriff

Sheriff of the county to seize and take immediate possession of the same wheresoever found, and the Registrar so offending shall be liable to a fine, in the discretion of the Court, not exceeding two thousand dollars, and to any term of imprisonment, if the Court think fit to impose it in addition to the fine, not exceeding one year.

Proceedings in case of refusal.

26. All Registrars who have received or shall receive from another County original memorials and statements of title therewith, shall, so soon as practicable, after the passing of this Act, make full and complete copies of all such memorials in proper books, and in the same order and relation in which they were originally registered, inserting in the margin of the Registry Books, opposite to each memorial or instrument, the number thereof and the particular time at which such memorial or instrument was originally recorded, as indorsed on the back thereof by the Registrar or his Deputy, at the time of the original registration thereof.

Duty of Registrars receiving original memorials, &c., from another County.

27. Whenever, in any Registry Office, any book from age or use, is becoming obliterated or unfit for future use, the Inspector shall, by directions in writing under his hand, order such book to be re-copied in a book of like description as that required under the twenty-sixth Section of this Act, so far as the same can be deciphered, by examination thereof and of the original memorials relating thereto, which book having the order of such Inspector for the copying thereof, under the hand of the Inspector, inserted at the beginning of the book, and having the affidavit or declaration of the Registrar or his Deputy, at the end of such book, to the effect that such book so copied, is a true copy of the original book of which it purports to be a copy, shall be to all intents and purposes accepted and received as the original book, and as *prima facie* evidence that such copy is a true copy of the original book; every such original book shall, nevertheless, be carefully preserved, notwithstanding a copy thereof shall have been made, and every such Registrar or his Deputy, shall be obliged to make his affidavit or declaration in this section mentioned.

Provision when any book becomes unfit for further use; copy to be made.

Original to be preserved.

28. The Registrar, on and after the first day of January one thousand eight hundred and sixty-six, shall, in a new book to be opened for the purpose, and to be called the "Abstract Index," enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any plan of the subdivision of any such land into smaller sections or lots after such plan shall have been filed in the Registry Office, and every instrument registered on and after the said first day of January, one thousand eight hundred and sixty-six, mentioning any such parcel or lot of land or other subdivision, and the names of all persons to each instrument, and the nature of it, (such as a "Will," "Grant," "Lease," "Power of Attorney"), the numbers of registration of all such instruments, and the day, month and year,

After 1st Jan. 1866, each Registrar to make an abstract Index, to lots what it shall contain.

To be in form E.

year, of their registry, shall, by the Registrar, in addition to all entries now required, be entered in regular order and rotation under the proper heading of each such separate parcel or lot of land mentioned in such instrument, and the book or books, to be so kept by each Registrar for the purpose of making the said entries, shall be in the form or nearly so of Schedule E, in the appendix hereto.

Also an Index of names for each locality.

29. Every Registrar shall also, for each township, city, town, and incorporated village, keep an Alphabetical Index of names exhibiting in columns the number of each memorial, the names of the different grantors, and the names of the grantees, according to the form of Schedule F of this Act.

After said day, all registrations to be at full length and how.

30. All instruments that may be registered under this Act shall, on and after the first day of January next, be registered at full length, including every certificate and affidavit, excepting certificates by the Registrar accompanying the same, upon and by the delivery to the Registrar of the original instrument where but one is executed, or when such instrument is in two or more original parts, upon and by delivery of one of such parts.

Instruments in two or more parts.

31. In case one of two or more original parts is registered, the Registrar shall endorse upon each of such original parts a certificate of such registration, and such original, so certified, shall be received as *prima facie* evidence of the registration and of the due execution of the same.

Instruments relating to several lots in different localities.

32. When any instrument shall include different lots or parcels of land situated in different municipalities in the same county, it shall only be necessary to furnish one duplicate original of such instrument, and such duplicate original shall be copied into the Registry Book pertaining to any city, town, incorporated village, township, or place wherein any lands therein mentioned are situate, and the Registrar shall make the necessary entries and certificates accordingly.

Indexes to be completed as to Registrations before the 1st Jan'y., 1866.

33. In order to make every Index required by this Act complete, it shall be the duty of each Registrar in all cases when the abstract or alphabetical indices have not been heretofore kept substantially as herein provided, to enter all the registrations affecting lands, which may have been recorded before the first day of January, one thousand eight hundred and sixty-six, in the same manner and in the like books as provided in the twenty-eighth and twenty-ninth sections.

INSTRUMENTS THAT MAY BE REGISTERED.

What may be so.

34. The following instruments and proceedings may be registered, namely :

Grants, &c.

1. Grants from the Crown, deeds, conveyances, assurances, bonds and agreements for the sale or purchase of land, and all other

other instruments, including sheriffs' deeds of land sold by virtue of their office, of or in any wise affecting, in law or in equity, lands in Upper Canada;

2. Powers of Attorney under which any such Deed, Conveyance, Assurance, Discharge of Mortgage or other Instrument, has been or may be executed; Powers of attorney.

3. Wills and Devises of or affecting any such lands; Wills.

4. Certificates of decrees of foreclosure and all other decrees or proceedings affecting any title or interest in lands; Decrees.

5. Certificates of the filing or dismissal of any Bill, or the taking of any proceedings in Chancery or in a County Court on its equity side, whereby any title to or interest in land may be brought in question; Certificates of proceedings in chancery.

6. Certificates of Satisfaction of Mortgages. Of satisfaction.

7. Certificates of payment of taxes, granted under the corporate seal of the County municipality by the treasurer; Of payment of taxes.

8. And all other Instruments in the first section of this Act mentioned. Others in Sect. 1.

HOW REGISTERED.

35. Grants from the Crown shall be registered by the production thereof to the Registrar, with a true copy sworn to by any person who may have compared the same with the original, such copy to be filed with the Registrar, and all other instruments, excepting wills, shall be registered by the deposit of the original instrument, or by the deposit of a duplicate or other original part thereof with all the necessary affidavits; Crown Grants.
Other instruments, except wills.
 lists of Marriages received by the Registrar under the seventy-second chapter of the Consolidated Statutes for Upper Canada, shall be registered by filing the same among the records of his office, and recording the same in a book to be kept by him for the purpose. List of marriages.

36. Every Will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the Will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, under the seal of any Court in this Province, or in Great Britain and Ireland, or in any British Province, Colony or possession having jurisdiction therein, and by the deposit of a copy of such probate or letters of administration, with an affidavit verifying such copy. Wills.

37. The Registration of Instruments in full which is provided for by this Act, shall take effect on and after the first day of Registration under present

laws until 1st
Jan., 1866.

of January next, and until such time, the Registration of all instruments which may be registered under the laws now in force, shall be made in like manner through memorials or by certificate or otherwise as heretofore provided; and all the Acts and parts of Acts relating thereto, and which are intended to be repealed when this Act shall come into force, shall continue and remain in full force until the said first day of January next.

Proof for registration of instruments executed before 1st Jan., 1866, &c.

38. The proof that would have been sufficient for the registration of any Instrument before the passing of this Act, shall be deemed sufficient for the registration hereafter of any such Instrument that may have been executed prior to the first day of January next; but in any such case the Instrument shall be registered at length, and the memorial and affidavit shall be deposited and filed in lieu of an original or duplicate.

PROOF FOR REGISTRATION.

Facts to be proved: affidavit.

39. In the case of an Instrument other than a Will, one of the Witnesses to such Instrument shall swear to the following facts:

1. Setting forth his name, place of residence, and occupation or calling, in full;
2. To the execution of the original and duplicate if any there be;
3. To the place of execution;
4. That he knew the parties to such Instrument, if such be the fact;
5. That he knew such one or more of them, according to the fact;

Affidavit to be registered.

40. The said affidavit shall be made on the said Instrument, and such Instrument and affidavit shall be copied at full length in the Register Book.

When different witnesses see different Grantors execute.

41. When any Instrument is executed by one or more Grantors, but not by all of them, in presence of the same witness or witnesses, and by one or more of the other parties thereto in presence of another witness or other witnesses, then and in such case the witness or one of the witnesses, whether the same be so executed in the same or in different places, shall make an affidavit in accordance with the thirty-ninth section as to each separate and distinct execution of the Instrument.

Before whom to be sworn.

42. Every affidavit made under the authority of this Act shall be made before any of the following persons:

In U. C.

1. If made in Upper Canada, it shall be made before—
The Registrar or Deputy Registrar of the County in which the lands lie,

Or,

Or, before a Judge of any of the Superior Courts of Law or Equity,

Or, before any Judge of a County Court within his County,

Or, before a Commissioner authorized by any of the Superior Courts to take affidavits.

2. If made in Lower Canada, it shall be made before— In L. C.

A Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court,

Or, before a Commissioner authorized by any of the Superior Courts of Common Law for Upper Canada to take affidavits in Lower Canada.

3. If made in Great Britain or Ireland, it shall be made before— In United Kingdom.

A Judge of any of the Superior Courts of Law or Equity therein,

Or, before a Judge of any of the County Courts within his County,

Or, before the Mayor or Chief Magistrate of any City, Borough or Town corporate therein, and certified under the Common Seal of such City, Borough or Town corporate,

Or, before a Commissioner for taking affidavits in and for the Canadian Courts.

4. If made in any British Colony or possession, it shall be made before— In a British Colony.

A Judge of a Court of Record,

Or, before the Mayor of any City, Borough or Town corporate, and certified under the Common seal of such City, Borough or Town,

Or, before any Notary Public, certified under his official seal,

Or, if made in the British Possessions in India, before any Magistrate or Collector, certified to have been such under the hand of the Governor of such possession.

5. If made in any Foreign Country, it shall be made before— In a foreign country.

The Mayor of any City, Borough or Town corporate of such Country, and certified under the Common seal of such City, Borough or Town corporate,

Or, before any Consul or Vice Consul of Her Majesty resident therein.

Or before a judge of a court of record or a notary public, certified under his official seal.

43. Every witness shall be compellable, when necessary, by order of a Judge of any of the Superior Courts or County Courts, to make affidavit or proof of the execution of any Instrument for the purpose of Registration under this Act, and to do all Witnesses compellable to make affidavit.

all other acts necessary for the same purpose, upon being paid or duly tendered his reasonable expenses therefor.

Affirmation or declaration in certain cases.

44. The proof may be either by affidavit or by affirmation or declaration, when by the law of the Country where such proof is made, an affirmation or declaration may be substituted for an affidavit, and the Registrar shall receive such Instruments so proved without any other or further proof of their due execution.

Parties not to receive affidavits.

Witnesses must have signed as such.

45. None of the persons authorized to take affidavits by this Act shall take any affidavit of the execution of any Instrument, in case he is a party to such Instrument, nor shall any such affidavit of the proof of any instrument executed after the first day of January next, be taken from any witness, unless such witness has subscribed his name in his own handwriting as such witness.

When witnesses are dead or out of the Province.

46. When the Witnesses to any Instrument are dead or are out of this Province, any person who is or claims to be interested in the Registration of the Instrument, may make proof before the Judge of any County Court in Upper Canada, of the execution of such Instrument, and upon a certificate (according to the form G in the appendix hereto) endorsed on such Instrument and signed by such Judge, that the Judge is satisfied by the proof adduced of the due execution of the Instrument, the Registrar shall record such Instrument and Certificate.

Seal of Court or corporation to suffice for registration.

47. The Seal of any court of record or of any Corporation affixed to any Instrument in writing shall, of itself, be sufficient evidence of the due execution of the same by such Corporation, or by the Judge, Registrar, Clerk or officer of the Court, signing the same, for all purposes respecting the registration thereof, and no further evidence or verification of such execution shall be required for the purpose of registry.

Registrar to deliver certified copy of power of attorney registered.

48. When a Power of Attorney or any substitution thereof is registered, the Registrar shall deliver a certified copy or copies of such power or substitution as may be required of him, and of all the documents aforesaid connected with or relating to the same, under his signature and Seal of Office, in which Certificate he shall declare the time, place and other particulars of Registration as in other cases under this Act, and he shall also declare that the copy, which he so delivers, is a true copy of the Power or Substitution, and of all the other documents connected with or relating to the same of which they respectively purport to be copies, and that the originals have been duly deposited in his office according to the Statute in this behalf.

Use and effect of such certified copy.

49. Every such certified copy where the original Power or Substitution is deposited as aforesaid, may be registered in any other Registry Office, by deposit thereof, without production of

of the original Power or Substitution, and without proof of any kind, other than the production of the copy so certified as aforesaid.

50. Every such certified copy of a Power of Attorney or Substitution, shall be received in all cases in place of the original as *prima facie* evidence of the original power or substitution, and of its due execution. To be *prima facie* evidence.

51. Every Notarial copy of any Instrument executed in Lower Canada, the original of which is filed in any Notarial Office according to the law of Lower Canada, and which cannot therefore be produced in Upper Canada, shall be received in lieu of and as *prima facie* evidence of the original instrument and may be registered and treated under this Act, for all purposes, as if it were in fact the original instrument, and such Notarial copy shall be registered without any other or further proof of the execution of the same or of the original thereof. Notarial copies of instrument executed in L. C. may be registered, &c.

52. In any action at law, or suit in equity, where but for this Act it would be necessary to produce and prove any original instrument in order to establish such instrument and the contents thereof, the party intending to prove any such original instrument may give notice to the opposite party ten days at least before the trial, or other proceeding in which the said proof is intended to be adduced, that he intends at the said trial or other proceeding to give, in evidence as proof of such original instrument, a copy thereof certified by the Registrar under his seal of office, and in every such case the copy so certified shall be sufficient evidence of the original instrument, and of its validity and contents, unless the party receiving such notice does, within four days after such receipt, give notice that he disputes the validity of such original instrument, in which case the costs of producing and proving such original may be ordered by the court or Judge to be paid by any or either of the parties as shall be deemed right. Certified copies of registered instruments may be used instead of originals, after notice. Exception. Costs in such case.

MANNER OF THE REGISTERING.

53. The Registrar or Deputy Registrar of the County in which the lands are situate shall, upon production to him of the original Instrument, duplicate or other original part thereof, together with an affidavit of execution, enter the said Instrument in the Register Book, in the order in which it is received, and he shall file the same with such affidavit of execution, and he shall endorse a certificate on every such Instrument, and shall therein mention the certain year, month, day, hour, and minute in which such Instrument is entered and registered, expressing also in what book the same has been entered, and the number of registration,—and the said Registrar or his Deputy shall sign the said Certificate when so endorsed, which certificate Copying into Register Book. Filing away instrument and affidavit. Certificate and its effect.

certificate shall be taken and allowed as evidence of such respective registries in all Courts of Record.

Pages, and
instruments to
be numbered.

54. Every page of the Registry Book and every Instrument entered therein shall be numbered, and the certain year, month, day, hour and minute of registration shall be entered in the margin of the Register Books and shall be endorsed upon the Instrument, and such entry shall be signed by the Registrar or his Deputy.

Filing of Bill,
&c., not to be
notice, until
registered.

55. The filing of any bill, or the taking of any proceedings in the Court of Chancery in Upper Canada, or County Court on its equity side, in which bill or proceeding, any title or interest in lands shall be brought into question, shall not be deemed notice of such bill or proceeding to any person not being a party thereto, unless and until a certificate given by the Registrar, Deputy Registrar or Clerk of the Court, to some person demanding the same, in the form mentioned in the schedule to this Act annexed marked H, shall have been registered in the Registry Office of the County in which such lands are situate; but no such certificate shall be required in any suit or proceeding for foreclosure or sale of a registered mortgage.

Exception.

Registry of
sales for taxes.

Other sales
under process
of Court.

56. Every deed made by a Sheriff or other Officer for arrears of taxes shall be registered within eighteen months after the sale by such Sheriff or other Officer; and all deeds of lands sold under process issued from any of the Courts of Law or Equity in Upper Canada, shall be registered within six months after the sale of such lands, otherwise the parties respectively claiming under any of such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who may have registered his deed prior to the registration of such deed from the Sheriff or other Officer.

Sales for taxes
before this Act.

57. All deeds for lands sold for taxes or under process of Law, before the passing of this Act, shall be registered within one year after the passing of this Act, otherwise the parties respectively claiming under any such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who may have acquired priority of registration.

Satisfaction of
mortgage how
registered.

58. When any registered mortgage shall have been satisfied, the Registrar, on receiving a certificate executed by the mortgagee, or if the mortgage has been assigned, and such assignment registered, then executed by such assignee, or by such other person as may be entitled by law to receive the money and to discharge such mortgage, in the form I, in the Appendix hereto, or to the like effect, executed in the presence of two witnesses and duly proven by the oath of a subscribing witness, in the same manner as herein provided for the proof of other instruments affecting lands, shall register the same and every affidavit attached thereto or endorsed thereon, at full length

length in its proper order, in the Registry Book, and numbering it in like manner as other Instruments are required to be registered and numbered, and also by writing in the margin of the register wherein the said mortgage has been registered, words to the following effect: "——— See certificate purporting to be a discharge signed by ———, (*naming the person who has executed the same,*)" and "See Registry number——— of such certificate—Book (*stating the same according to the fact,*)" and to which marginal entry the Registrar shall affix his name, and the same shall be deemed a discharge of such mortgage, and such certificate so registered shall be as valid and effectual in law as a release of such mortgage, and as a conveyance to the mortgagor, his heirs, executors, administrators or assigns of the original estate of the mortgagor.

Entry in margin of Register.

Effect of such registration.

59. In case the mortgagee or any assignee of the mortgagee desires to release or discharge part only of the lands contained in such mortgage, or to release or discharge only part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven and registered in the same manner as in cases when the whole lands and mortgage are wholly released and discharged; and such deed or certificate shall contain as precise a description of the portion of lands so released or discharged as would be necessary to be contained in an instrument of conveyance for Registry under this Act, and also a precise statement of the amount or particular sum or sums so released or discharged.

As to release of part only of lands mortgaged.

Portion released to be described.

60. Every certificate of payment or discharge of the mortgage, or of the conditions therein, or of the lands or of any part of the same, or of any part of the money, by the mortgagee, or his assignee, his heirs, executors, administrators or assigns, or any one of them, at whatsoever time given, and whether before or after the time limited by the mortgage for payment or performance, shall be valid, if in conformity with this Act, to all intents and purposes whatsoever, as herein mentioned.

Certificate of payment, &c., to be valid, at whatever time given.

61. All By-laws hereafter to be passed by any Municipal Council, under the authority of which any street, road or highway shall be opened upon any private property, shall before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such By-law shall be made out certified under the hand of the clerk and the seal of the Municipality, and shall be registered without any further proof; and all By-laws heretofore passed and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested and at the cost and charges of such party or municipality, be also duly registered, upon the production

By-laws hereafter made affecting real estate to be registered, and how.

As to By-laws, &c., heretofore made.

, production to the Registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such Quarter Sessions, given under the hand of the Clerk of the Peace, as the case may be.

EFFECT OF REGISTERING OR OMITTING TO REGISTER.

Unregistered instrument after Crown Grant, to be void against subsequent registered purchaser, &c.

62. After any grant from the Crown of Lands in Upper Canada and Letters Patent issued therefor, every Instrument affecting the lands or any part thereof comprised in such grant shall be adjudged fraudulent and void against any subsequent purchaser or Mortgagee for valuable consideration, unless such instrument is registered in the manner herein directed before the registering of the instrument under which such subsequent purchaser or mortgagee may claim.

Wills not registered within a certain time to be void as against, &c.

63. All Wills or the probates thereof registered within the space of twelve months next after the death of the Devisor, Testator or Testatrix, shall be as valid and effectual against subsequent purchasers and mortgagees, as if the same had been recorded immediately after such death; and in case the devisee, or person interested in the lands devised in any such Will, is disabled from recording the same within the said time by reason of the contesting of such Will or by any other inevitable difficulty without his or her wilful neglect or default, then the registration of the same within the space of twelve months next after his or her attainment of such Will or Probate thereof, or the removal of the impediment aforesaid, shall be a sufficient recording within the meaning of this Act.

Registry to be notice.

64. The registry of any instrument, under this Act, or any former Act, shall, in equity, constitute notice of such instrument, to all persons claiming any interest in such lands subsequent to such registry.

Actual notice.

65. Priority of registration shall in all cases prevail unless before such prior registration there shall have been actual notice of the prior instrument by the party claiming under the prior registration.

As to equitable liens, &c.

66. No equitable lien, charge or interest affecting land shall be deemed valid in any Court in this Province after this Act shall come into operation, as against a registered instrument executed by the same party, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act.

Tacking.

What leases most be registered.

67. This Act shall not extend to any lease for a term not exceeding seven years, where the actual possession goeth along with the lease; but it shall extend to every lease for a longer term than seven years.

FEES OF REGISTRARS.

68. Every Registrar shall be allowed the following fees Fees. for the following services, and no more :

1. For registering every instrument, other than those hereinafter specially provided for, one dollar ; but in case the same, with the necessary entries and certificate, exceeds seven hundred words, then at the rate of fifteen cents for each additional one hundred words or the fractional part thereof, up to fourteen hundred words, and at the rate of ten cents for each additional hundred words or fractional part thereof over fourteen hundred ; and if the memorial or other instrument embraces different lots or parcels of lands, situate in different localities in the same county, the registration and copying of such, including all necessary entries and certificates thereof into the different registry books, shall be considered separate and distinct registrations of such instruments, but shall be charged for and paid at the rate of fifteen cents for every one hundred words, or the fractional part thereof up to fourteen hundred, and of all over that, at the rate of ten cents for each hundred words or fractional part thereof ; For registry.
2. For searching the Registry Books and Indexes relating to the title of any lot or part of a lot of land as originally patented by the Crown, or as afterwards subdivided into smaller lots, shewn by any registered map or plan thereof, when not exceeding four references, twenty-five cents, and five cents for every additional reference ; but in no case shall a general search into the title to any particular lot, piece or parcel of land exceed the sum of two dollars ; For searches as to title.
3. For searching, if specially required, the alphabetical index of names referred to in section twenty-nine as to each name in the books of any one township, or other legally defined municipality in the county, twenty-five cents ; provided, always, that if a general search as to any such name is made throughout the county, the aggregate of fees for such search shall not exceed one dollar ; Searching Index. General search.
4. For every abstract of title certified by the Registrar containing such particulars as the party searching shall require, twenty-five cents, and when such abstract exceeds one hundred words, fifteen cents for every additional hundred words ; and for copies of instruments when required, ten cents for each hundred words ; Abstracts of title.
5. For each certificate furnished by the Registrar, except those made under subsections one and four of this section, twenty-five cents ; Certificates.

Filing plans.

6. For filing of record any plan of town or village lots, including all necessary entries connected therewith, one dollar ;

Statements under Sects. 23, 26, 27.

7. For furnishing the statement and copies required under the twenty-third, twenty-sixth, and twenty-seventh sections of this Act, to be paid by the County Treasurer to which any city, town, township, village or place may belong or be attached, the sum of ten cents for every folio of one hundred words contained in such statement so furnished or copy so made ;

Entering lots under Sect. 33.

Prov. so.

8. For entering for each lot under section thirty-three of this Act the registrations made before the first day of January, one thousand eight hundred and sixty-six, the sum of ten cents for the several entries and reference of each instrument so entered to be paid for in the same manner as provided for in the next preceding subsection ; provided, always, that no fees shall be chargeable in respect of the alphabetical index, and in no case shall the fees chargeable in respect of the abstract index, for any county, exceed in the whole the sum of two thousand dollars ;

Lists of marriages.

9. For filing and registering each list of marriages delivered to him, under chapter seventy-two of the Consolidated Statutes for Upper Canada, one dollar ;

Affidavits.

10. For drawing each affidavit and swearing the deponent thereto, twenty-five cents ; the same fee to be allowed for administering the oath when such only is required ;

Shewing originals.

11. For exhibiting in the office each original registered instrument, including search for same, ten cents ;

Certificates of discharge.

12. For registering each certificate of payment of mortgage money, and every other certificate excepting certificates provided for in the next subsection, including all entries and certificates thereof, fifty cents ;

Of payment of taxes.

13. For registering each certificate of payment of taxes, twenty-five cents ;

Figures how charged.

14. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities, the same shall be charged as if each number, though composed of several figures, were but one word :

Table of fees.

15. Each Registrar shall keep posted up in some conspicuous place, in his office, a printed schedule of the fees and charges authorized under this Act.

Pay of Inspector.

69. A sum not exceeding two thousand dollars per annum, which shall include all travelling and other expenses, shall be allowed to an Inspector of Registry offices.

70. Should the County Treasurer of any County or City in which a separate Registry Office is established, on the request, of the Registrar for the duties performed according to this Act, refuse to pay the fees and allowances for any services required by this Act under sections twenty-three, twenty-six, twenty-seven, and thirty-three, such Registrar may prove the same and recover the same and the costs thereof from the corporation of the County or City in any Court of Record in Upper Canada ; and the Inspector's certificate of the amount and of the services rendered shall be *prima facie* evidence of the right to recover.

Recovery of fees from municipal corporations.

Evidence.

71. The Registrar shall not be compelled to register any instrument unless the fees authorized by this Act are first paid thereon.

Fees payable before registration.

72. Every Registrar shall keep a book in which he shall enter all fees and emoluments received by him by virtue of his office, shewing separately the sums received for registering each instrument, and for searches, and for extracts or copies, and shall make a return, under oath, of such fees and emoluments so received to the Governor, annually, on the fifteenth day of January.

Registrar to keep accounts of fees.

Return.

MISCELLANEOUS PROVISIONS.

73. Whenever any land or original town or township lot has been surveyed or subdivided into town or village lots, or other lots so differing from the manner in which such land or lot was surveyed or granted by the Crown, that the same cannot or is not, by the description given of it, easily and plainly to be identified, the person, corporation or company making such survey or subdivision, their heirs, executors, administrators or assigns, agents, attorneys or successors, shall, within three months from the date of every such survey or subdivision, lodge with the Registrar a plan or a map of the same, shewing the number of the Township or Town Lots, and range or concession, the numbers or letters of Town or Village Lots, and names of streets, the measurement and magnetic bearings of each lot on a scale of not less than one inch to every four chains, which plan or map shall besides contain all the requisites mentioned and required in section thirty-nine, chapter ninety-three of the Consolidated Statutes for Upper Canada, and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on such map or plan, by the name by which such person, corporation or company designates the same in manner provided by this Act ; and all instruments affecting the land or any part thereof, executed after such plan, shall conform thereto, otherwise the same shall not be registered ; and in the case of refusal by such person, corporation or company, his or their executors, agents or attorneys, or successors, for two months after demand in writing for that purpose, to lodge the said plan or map when required by any person

Registration of plans of division of lands into smaller parcels.

Scale of plan and what to shew.

Duty of Registrar thereafter

Instruments must conform to such plan.

Penalty for refusing such plan for registration.

How recovered.

To what lands this section applies.

interested therein so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining in any Division Court in the county in which such lands are situated, in like manner as a common debt; and this section shall apply as well to lands already surveyed or subdivided as to those which may hereafter be surveyed or subdivided, subject to the next succeeding section.

When plan must be registered in case of lands subdivided before this Act.

How to be made.

74. In sales of lands under surveys or subdivisions made before the passing of this Act, when such surveys or subdivisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act, if the plan or survey is still in existence and procurable for Registration and filing under the next preceding section, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by some duly authorized Provincial Land Surveyor, as nearly as may be according to the proper original survey or subdivision, and the same when so made shall be filed as if under the next preceding section of this Act.

Plan not binding until some sale is made under it: alterations in plan.

75. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same, by the Court of Queen's Bench or Common Pleas, or by the Court of Chancery, or by any Judge of any of the said Courts, or by the Judge of the County Court of the County in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it shall be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient.

Plans of towns or villages to be registered in certain cases.

76. In each and every case in Upper Canada where any incorporated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same was not jointly surveyed and one entire plan of such survey made and filed in accordance with the seventy-third section, the municipality of the township within which such village is situated, or the municipality of such incorporated town or village, shall upon the written request of the Inspector or of any person interested, addressed to the Clerk of such municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered

registered in the Registrar's Office of the County within which such village lies, which map or plan shall have endorsed thereon the certificates of the Clerk and head of the municipality and surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to which map or plan the corporate seal of the municipality shall be attached; and the expense attending the getting up and depositing such map or plan shall be paid out of the general funds of the municipality, and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in the seventy-third section.

How to be certified.

Expense how paid.

77. In any case when the Registry Books and papers have been heretofore lost or destroyed and the memorials are not forthcoming, upon proof being made to that effect before any Judge of a Court of Record in Upper Canada to the satisfaction of such Judge as evidenced by a certificate under his hand, it shall be lawful for the Registrar for the County where the lands are situate to register the instrument upon production thereof and no further proof shall be required by the Registrar than the original certificate of Registration endorsed on such instrument; and any such instrument shall have priority according to the date of the original certificate, provided always that the instrument shall be filed away by the Registrar and preserved with the records of his office.

Provision for re-registration in case Registry Books or papers are lost or destroyed.

78. No registration of any deed or other instrument heretofore made shall be deemed or adjudged void by reason of the name or names, residence or residences, addition or additions of the witness or witnesses to such deed or instrument being improperly given or described in the registered memorial thereof, or being either in part or altogether omitted from such memorial, or by reason of any clerical error or omission of a formal or technical character therein; and all registrations heretofore effected in separate Registry Books of unincorporated villages, are hereby confirmed, when the Law has been otherwise complied with; and such separate Registry Books shall be taken and held to form a part of the Registry Books of the Municipality of which such unincorporated village forms a part; provided always, that this clause shall not affect any case or cases now proceeding in any of the Courts of Law or Equity in Upper Canada.

Registration heretofore made not to be deemed void for certain defects.

Registration, in books for unincorporated villages.

Proviso.

79. The Provincial Registrar, so soon after the first day of January next, as is practicable, shall furnish to each Registrar a statement containing full descriptions by metes and bounds of all lands theretofore granted by the Crown with the names of the grantees and dates in all cases where a general description such as "North or South half" or "North East or North West

Provincial Registrar to furnish statement of all Crown Grants before 1st Jan., 1866.

Penalty for refusing such plan for registration.

How recovered.

To what lands this section applies.

interested therein so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining in any Division Court in the county in which such lands are situated, in like manner as a common debt; and this section shall apply as well to lands already surveyed or subdivided as to those which may hereafter be surveyed or subdivided, subject to the next succeeding section.

When plan must be registered in case of lands subdivided before this Act.

How to be made.

74. In sales of lands under surveys or subdivisions made before the passing of this Act, when such surveys or subdivisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act, if the plan or survey is still in existence and procurable for Registration and filing under the next preceding section, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by some duly authorized Provincial Land Surveyor, as nearly as may be according to the proper original survey or subdivision, and the same when so made shall be filed as if under the next preceding section of this Act.

Plan not binding until some sale is made under it: alterations in plan.

75. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same, by the Court of Queen's Bench or Common Pleas, or by the Court of Chancery, or by any Judge of any of the said Courts, or by the Judge of the County Court of the County in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it shall be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient.

Plans of towns or villages to be registered in certain cases.

76. In each and every case in Upper Canada where any incorporated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same was not jointly surveyed and one entire plan of such survey made and filed in accordance with the seventy-third section, the municipality of the township within which such village is situated, or the municipality of such incorporated town or village, shall upon the written request of the Inspector or of any person interested, addressed to the Clerk of such municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered

registered in the Registrar's Office of the County within which such village lies, which map or plan shall have endorsed thereon the certificates of the Clerk and head of the municipality and surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to which map or plan the corporate seal of the municipality shall be attached ; and the expense attending the getting up and depositing such map or plan shall be paid out of the general funds of the municipality, and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in the seventy-third section.

How to be certified.

Expense how paid.

77. In any case when the Registry Books and papers have been heretofore lost or destroyed and the memorials are not forthcoming, upon proof being made to that effect before any Judge of a Court of Record in Upper Canada to the satisfaction of such Judge as evidenced by a certificate under his hand, it shall be lawful for the Registrar for the County where the lands are situate to register the instrument upon production thereof and no further proof shall be required by the Registrar than the original certificate of Registration endorsed on such instrument ; and any such instrument shall have priority according to the date of the original certificate, provided always that the instrument shall be filed away by the Registrar and preserved with the records of his office.

Provision for re-registration in case Registry Books or papers are lost or destroyed.

78. No registration of any deed or other instrument heretofore made shall be deemed or adjudged void by reason of the name or names, residence or residences, addition or additions of the witness or witnesses to such deed or instrument being improperly given or described in the registered memorial thereof, or being either in part or altogether omitted from such memorial, or by reason of any clerical error or omission of a formal or technical character therein ; and all registrations heretofore effected in separate Registry Books of unincorporated villages, are hereby confirmed, when the Law has been otherwise complied with ; and such separate Registry Books shall be taken and held to form a part of the Registry Books of the Municipality of which such unincorporated village forms a part ; provided always that this clause shall not affect any case or cases now proceeding in any of the Courts of Law or Equity in Upper Canada.

Registration heretofore made not to be deemed void for certain defects.

Registration, in books for unincorporated villages.

Proviso.

79. The Provincial Registrar, so soon after the first day of January next, as is practicable, shall furnish to each Registrar a statement containing full descriptions by metes and bounds of all lands theretofore granted by the Crown with the names of the grantees and dates in all cases where a general description such as "North or South half" or "North East or North West

Provincial Registrar to furnish statement of all Crown Grants before 1st Jan., 1865.

And so once every three months maps to be furnished by Commissioner of Crown Lands.

West quarter" has not and cannot be given, and where particular descriptions are requisite to show clearly the parcels as they are required for the abstract indices; and the said Provincial Registrar shall also thereafter once in every three months, furnish to each Registrar a statement containing a list of the names of all persons to whom patents have issued from the Crown for grants of land within the County, since the former statements, and with such general or particular descriptions as the case shall require, and the Commissioner of Crown Lands shall furnish copies of all plans or maps of towns and townships within the same, which have not been already furnished.

False swearing under this Act to be perjury.

80. Any person forswearing himself before any Registrar or his Deputy, or before any Judge, Commissioner, or other person duly authorized to administer an oath in any of the cases aforesaid, and lawfully convicted, shall incur and be liable to the same penalties as if the oath had been taken in any Court of Record in Upper Canada.

Forging certificates, &c., under this Act, to be felony.

81. Any person who forges or counterfeits any certificate by this Act authorized or directed, or any affidavit of the execution of any duplicate original or memorial, or any Instrument whatever mentioned in this Act, shall be deemed guilty of felony, and shall be imprisoned at hard labor in the Penitentiary for any time not less than four years nor more than ten years.

INSPECTOR OF REGISTRY OFFICES.

Appointment of Inspector and his duties.

82. The Governor may, from time to time, appoint an Inspector of Registry Offices, whose duty shall be to make a personal inspection of the building in which each office is kept, and of the books, deeds, memorials and other Instruments in each Registry Office, to see that the proper books have been and are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in due and proper form and order, that the indices are properly kept, and that all the memorials and other instruments are duly endorsed and certified, and preserved, to ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the Registrar or his Deputy, to settle on some uniform device for the official seals and to see that the Registrars supply themselves therewith, to inspect the abstract and alphabetical indices when any such have been kept before this Act shall come into force, and to determine whether the same have or have not been substantially and sufficiently kept in accordance with the requirements of section twenty-eight of this Act, and if so to settle the amount of fees chargeable therefor, and to certify the same; also to inspect all new abstract and alphabetical indices and to settle and certify the sums chargeable therefor under this Act; and it shall also be his

Inspection of new indices.

his duty to ascertain whether the proper plans required by this Act have been filed in the several Registry Offices, and, when necessary, to enforce the provisions of the law in that respect, and also to report upon any vacancies by death or otherwise, in the offices of Registrar and Deputy Registrar, and he shall inform the Registrar how and in what manner he shall do any particular act or amend or correct whatever he may find amiss, and he shall also ascertain the sufficiency or insufficiency of the sureties for the Registrar, and whether they are living or dead, and he shall report upon all such matters as expeditiously as may be to the Governor for his information and decision.

Reporting
vacancies.

Sufficiency or
insufficiency of
sures.

83. This Act may be cited as the "Registration of Titles (Upper Canada) Act;" it shall be deemed a Public Act, and the "Interpretation Act" shall apply thereto.

Short Title of
this Act.

84. The following is the Appendix, and contains the forms referred to in the foregoing sections of this Act.

Appendix.

FORM A.—SECTION 10.

Know all Men by these presents that we, A. B. Registrar of Esq., and C. D. of Esq., and E. F. of Esq., do hereby jointly and severally for our and each of our heirs, executors and administrators, covenant and promise that the said A. B., as Registrar of , shall well, truly and faithfully perform the duties and obligations of his office as such Registrar, and that neither he nor his Deputy shall negligently or wilfully misconduct himself in his said office to the damage of any person or persons whomsoever; nevertheless, it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than the following, that is to say, against the said A. B. in the whole, \$, (the amount fixed by Order in Council) against the said C. D. and E. F., \$, respectively (the amount fixed by Order in Council for each).

In witness whereof we have hereto set our hands and seals
this day of A. D. 18

Signed, Sealed and delivered in presence of

}

FORM B.—SECTION 10.

County of } I, A. B., the obligor (*or* covenantor) in the
 To wit : } annexed bond (*or* covenant) named (*or* one of the
 sureties in the annexed bond or covenant named)
 make oath, and say as follows :

I am seized and possessed to my own use of real, or real and personal estate in Upper Canada, of the actual value of \$, over and above all charges upon, or incumbrances affecting the same.

Sworn before me at , in the County of
 this day of , A. D. 18 .

FORM C.

Referred to in the eleventh Section of this Act.

CANADA.

County of } I (*name and describe deponent*), having been
 to wit : } appointed by the Governor to the office of Registrar,
 in and for the [*name of registration county, &c.*],
 do swear that I will well and truly and faithfully perform and execute all duties required of me, under the laws of this Province, pertaining to the said office, so long as I continue therein, and that I have not given directly or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before us at , the day of
 , A. D. 18 .

A. B., J. P., }
 C. D., J. P. } In and for the said County.

FORM D.

Referred to in the Twenty-second Section of this Act.

This Register contains pages exclusive of index, and is to be used in and for the City [Town, incorporated Village or Township,] of , in the County of , for the enregistration of memorials, duplicates and other instruments under the provisions of the Act

Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Upper Canada, and is provided in pursuance of the requirements of the said Statute.

Dated this day of • , A. D. 18 .

A. B., Judge of the County Court of the County of
; or, A. B., Warden of the County of

FORM G.

Referred to in the forty-sixth Section of this Act.

CANADA.

County of) I,
to wit : } Judge of the County Court of the County of
 , certified that I am satisfied from the proof
 adduced by (*name the person producing the proof*
 and state the evidence given) with the due execution
 of the within Instrument, or of the Instrument
 whereof the within is a Copy, (Memorial or Dupli-
 cate, *as the case may be.*) As witness my hand, at
 the day of

A. D. 18

A. B.,
Judge of the County of

Signed in the presence of

A. B.,
Clerk of the County Court of the County of

Seal of office.

FORM H.

Referred to in the fifty-fifth Section of this Act.

I certify that in a suit or proceeding in Chancery (*or in the*
County Court of on its equity side, *as the case may*
be) between A. B. of and C. D.
of some title or interest is called in question in the
following lands (*stating them*).

Dated at (*stating date and place*)

FORM I.

Referred to in the fifty-eighth Section of this Act.

To the Registrar of the County of
 I , of , do certify that hath
 satisfied all money due on, or to grow due on (or hath satisfied
 the sum of \$) mentioned in a certain mortgage made by
 , of , to , which mort-
 gage bears date the day of , A. D. 18 ,
 and was registered in the Registry Office for the County of
 , on day of , A. D. 18 ,
 at minutes past o'clock noon, in Liber
 for as No. *(here mention the
 day and date of registration of each assignment thereof, and the
 names of the parties,—or mention that such mortgage has not
 been assigned, as the fact may be)* and that I am the person
 entitled by Law to receive the money, and that such mortgage,
 (or such sum of money as aforesaid, or such part of the lands
 as is herein particularly described), that is to say
 is therefore discharged.

Witness my hand this day of A. D. 18 .

A. B.

Two Witnesses

of	A. B.	} <i>Stating residence and occupation.</i>
	and	
of	C. D.	

SCHEDULE E.

(Referred to in Section twenty-eight of this Act.)

Township of Yarmouth, Lot No. , in the 1st Concession.

1	2	3	4	5	6	7	8	9
No. of Instrument	Instrument	Its Date.	Date of Registry.	Grantor.	Grantees.	Quantity of land.	Consideration or amount of Mortgage.	
64	Patent.	21st February, 1820.	...	Crown	John Jones	All of said lot.		
73	B. & S.	10th January, 1835	11th January, 1835	David Brown and wife	George Smith	N. ½.		
460	B. & S.	30th May, 1830	16th May, 1838	John Jones and wife	David Brown	N. ½.		
461	B. & S.	23rd June, 1840	23rd June, 1840	George Smith	Charles Gates	N. ½.		
490	M.	Do. do.	Do. do.	Charles Gates and wife	George Smith	N. ½ con. \$500.		
1009	B. & S.	15th October, 1841	20th October, 1841	John Jones and wife	Charles Gates	S. ½.		
2560	D. M.	23rd June, 1842	1st July, 1842	George Smith	Charles Gates	N. ½.		
2575	B. & S.	25th April, 1855	1st May, 1856	Charles Gates and wife	Alexander Erie	All.		
	B. & S.	1st May, 1860	1st May, 1860	Alexander Erie	John McIntosh	E. ½ of the N. ½ or N. E. ½.		

SCHEDULE F.

Alphabetical Index referred to in Section Twenty-nine.

No. of Memorial.	GRANTOR.	GRANTEE.	No. of Memorial.	GRANTOR.	GRANTEE.
	A.			A.	
1011	Abbott, George.....	Black, John.	1029.....	Appleton, James	Buck, Peter.
1015	Allen, William	Cook, Edward.. ..	1039	Angus, Robert	Cooms, Joseph.
1017	Anderson, James	Smith, Thomas	1056.....	Anson, William	Whalks, James.
	B.			B.	
1004	Bernard, John	Green, Edward	1011.....	Black, John	Abbott, George.
1020	Burns, Robert.....	Cassels, George	1070	Benson, Jessie.....	Crooks, Nelson.
1029	Buck, Peter	Appleton, James	1098	Burrows, Joseph.....	Hinde, Henry.
	C.			C.	
1039	Cooms, Joseph.....	Angus, Robert.....	1015	Cook, Edward.....	Allen, William.
1048	Coffee, Richard.....	Ingram, Benjamin	1020	Cassels, George.....	Burns, Robert.
1070	Crook, Nelson.....	Benson, Jessie.....	1118.....	Castor, Simeon	Philip, Richard.

C A P . X X V .

An Act for quieting Titles to Real Estate in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to give certainty to the title to real estates in Upper Canada, and to facilitate the proof thereof, and also to render the dealing with land more simple and economical : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Any owner of an estate in fee simple in land in Upper Canada, or any trustee for the sale of the fee simple, shall be entitled to have his title judicially investigated and the validity thereof ascertained and declared ; and he shall be so entitled whether he has the legal estate or not, and whether his title is subject or not to any charges or incumbrances.

Owners, &c., in fee simple may obtain judicial investigation of title.

2. Any other person who has any estate or interest, legal or equitable, in or out of land in Upper Canada, may also apply for the investigation of his title and a declaration of the validity thereof ; but it shall be in the discretion of the Judge by or before whom the proceedings are taken, to grant or refuse the application for the investigation ; and such discretion may be invoked and exercised at any stage of the proceedings, and the decision of the Judge in exercising such discretion shall be subject to appeal like any other decision.

In case of any other estate ; investigation to be discretionary with the Judge.

3. The application shall be to the Court of Chancery or any Judge thereof, and may be by a short petition in the form given in the Schedule A.

Form of application and to whom.

4. A certificate by the Registrar of the said Court, of the petition being filed, shall be registered in the Registry Office of the County in which the land lies, and this certificate may be in the form given in Schedule B.

Registry of application.

5. The application shall be supported by the following particulars :

How the application must be supported.

1. The title deeds (if any) and evidences of title relating to the land that are in the possession or power of the applicant ;

Title deeds.

2. A certified copy of the memorials of all other registered instruments affecting the land, or of all since the last judicial certificate, if any, under this Act, was given, (as the case may be), up to the time of the registering of a certificate of the petition as provided for by section four ;

Registered instruments.

Registrar's certificate.

3. The certificate of the Registrar of the County in which the land lies, as to bills and proceedings in Chancery or in any County Court on its equity side, relating to the land, and of which a certificate has been registered in his office ;

Statement of facts.

4. A concise statement of such facts as are necessary to make out the title, and which do not appear in the produced documents ; but no abstract of produced documents shall be required, except on special grounds ;

Proofs of facts.

5. Proofs of any facts which are required to be proved in order to make out the title, and which are not established by the other produced documents, unless the Judge shall dispense with such proofs until a future stage of the investigation ;

Affidavit and certificate of counsel, &c.

6. An affidavit or deposition by the person whose title is to be investigated and a certificate of one of his Counsel or Solicitors, to the effect hereinafter respectively mentioned, unless the Judge sees fit, for some special reason, to dispense with the same respectively ;

Schedule.

7. A Schedule of the particulars produced under the preceding six subsections.

What the affidavit or deposition of the applicant must state.

6. The affidavit or deposition of the person whose title is to be investigated shall state to the effect, that to the best of his knowledge and belief he is the owner of the estate or interest (whatever it is) which is claimed by the petition, subject only to the charges and incumbrances set forth in the petition or in the Schedule thereto, or that there is no charge or incumbrance affecting the land ; that the deeds and evidences of title which he produces, and of which a list is contained in the Schedule produced under the preceding section, are all the title deeds and evidences of title relating to the land that are in his possession or power, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein, or if he is aware of such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any, except what he sets forth ; and the affidavit or deposition shall also set forth whether any one is in possession of the land, and under what claim, right or title ; and shall state that to the best of the deponent's knowledge, information and belief, the said affidavit or deposition, and the other papers produced therewith, fully and fairly disclose all facts material to the title claimed by the Petitioner, and all contracts and dealings which affect the same or any part thereof, or give any right as against the applicant.

As to adverse claims or possession, &c.

In certain cases it may be dispensed with or made by another person.

7. This affidavit or deposition may, in a proper case, be dispensed with, or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by the one, and as to part by

by another, at the discretion of the Judge to whom the application is made ; and in such case, the affidavit shall be modified accordingly.

8. The certificate of the Counsel or Solicitor shall state to the effect that he has investigated the title and believes the party to be the owner of the estate which the petition claims in the land in question, subject only (if such be the case) to any charges or incumbrances that may be set forth in the Schedule to the petition ; (or that he so believes, subject to any condition, qualification or exemption to be set forth in the certificate), and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition referred to in the preceding two sections, and believes the affidavit or deposition to be true.

What the certificate of Counsel or Solicitor must state.

9. The Judge in investigating the title may receive and act upon any evidence that is now received by any of the Courts on a question of title, and any evidence which the practice of English Conveyancers authorizes to be received on an investigation of a title out of Court ; or any other evidence, whether the same be or be not receivable or sufficient in point of strict law, or according to the practice of the English conveyancers, provided the same satisfies the Judge of the truth of the facts intended to be made out thereby.

On what evidence Judge may proceed.

10. The proofs required may be by, or in the form of, affidavits or certificates ; or may be given *vivâ voce* ; or may be in any other manner or form that under the circumstances of the case is satisfactory to the Judge in regard to the matters to which the same relate.

Form of proofs.

11. If the Judge is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity of producing further evidence, or of removing defects in the evidence produced.

Further proof if Judge is not satisfied.

12. Before giving a certificate or conveyance under this Act, the Judge shall direct to be published in the *Canada Gazette*, and if he sees fit in any other newspaper or newspapers, and in such form and for such period or periods as the Judge thinks expedient, a notice either of the application being made, or of the order or decision of the Judge thereon ; and the certificate or conveyance shall not be signed or executed until after the expiration of at least four weeks from the first publication of such notice, or such other period as the Judge may appoint.

Judge may order notice to be published.

13. When the Judge is satisfied respecting the title, and considers that the certificate of title can safely be granted without any other notice of application than the published notice so required, he shall grant the certificate accordingly.

Or grant certificate without notice.

Notice to adverse claimant.

14. In case of there appearing to exist any claim adverse to or inconsistent with that of the Petitioner to or in respect of any part of the land, the Judge shall direct such notice as he deems necessary to be mailed to or served on the adverse claimant, his solicitor, attorney, or agent.

Further publication or service of notice.

15. In all cases he may require from time to time any further publication to take place, or any other notice to be mailed or served, that he deems necessary before granting his certificate.

Taxes must have been paid.

16. Before a certificate of title is granted, satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments, for which the land is liable, have been paid, or that all except those for the current year have been paid.

Claims of titles to be presumed to be made with certain exceptions.

17. Every claim of title under this Act shall be presumed to be subject to the following exceptions and qualifications, unless the petition for investigation expressly alleges the contrary :

1. The reservations (if any) contained in the original grant from the Crown ;

2. Any municipal charges, rates or assessments theretofore imposed for local improvements, and not yet due and payable ;

3. Any title or lien which, by possession or improvements or other means, the owner or person interested in any adjoining land has acquired to or in respect of the land mentioned in the certificate ;

4. Any lease or agreement for a lease, for a period yet to run, of not exceeding three years, where there is actual occupation under the same.

But claim may be without exceptions.

18. But if the applicant desires the certificate to declare the title to be free from the said particulars, or any of them, his petition shall so state, and the investigation shall proceed accordingly.

Adverse claimants to file statements.

19. Any person having an adverse claim, or a claim not recognized in the applicant's petition, may at any time before the certificate of title is granted, file and serve on the applicant, his solicitor or agent, a short statement of his claim, which may be in the form set forth in Schedule C.

Verification.

20. This claim shall be verified by an affidavit to be filed therewith.

21. In case of a contest, the Judge may either decide the question of title on the evidence before him, or may refer the same or any matter involved therein to the full Court, or to any mode of investigation which is usual in other cases, or which he may deem expedient, and may defer granting the certificate until afterwards, according as the circumstances of each case render just or expedient.

In case of contest, Judges decide or refer the case.

22. The Judge may, at any stage of the cause, order security for costs to be given by the applicant for a certificate, or by any person making any adverse claim.

Security for costs.

23. The Judge may order costs either as between party and party, or as between solicitor and client, to be paid by or to any person party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid.

Payment of costs.

24. The Petitioner may by leave of the Judge withdraw his application at any time before final adjudication on payment of all costs incurred in the investigation either by himself or by any adverse claimant.

Withdrawal of application.

25. With a view of expediting investigations, and subject to any general orders in this behalf, the Judge, if he sees fit, may refer any petition presented under this Act to the Master or a Deputy Master or any other officer of the said Court, or to any Counsel named by the Judge, and in such case the referee shall proceed as the Judge himself should do under this Act, had the reference not been made, and shall have the same powers.

Petition may be referred to Master or Counsel.

26. The Judge may also refer any title to counsel named by the Judge, for a preliminary report or examination, and may call for the assistance of counsel in any other way and for any other purpose that may tend to the despatch of business under this Act.

Judge may require report of Counsel.

27. The Judge may give one certificate of title, comprising all the land mentioned in the Petition, or may give separate Certificates as to the title of separate parts of the land.

One certificate or several.

28. The certificate of title may be in the form contained in Schedule D to this Act, and shall be under the seal of the Court, and shall be signed by one of the judges and by the Registrar of the Court, and the same and the Schedule (if any) thereto, or a duplicate or counter part of the same, shall be registered in full, both in the Court of Chancery, and in the Books of the Registry Office of the County where the land lies, without any further proof thereof.

Form or certificate of title.

Registry of
certificate.

29. A memorandum or certificate of the registration may be endorsed on the certificate of title or on any counterpart or certified copy thereof thus :—

“ Registered in Chancery. 186 . Book
 , Page , A. G. Registrar.

Registered in the Registry Office for the County of ,
Book , Page , (Date) Registrar,”
and a memorandum or certificate so signed shall be evidence
of the registration mentioned therein.

Effect of certi-
ficate of title.

30. The certificate of title when so sealed, signed and registered, shall be conclusive at law and in equity, and the title therein mentioned shall be deemed absolute and indefeasible, from the day of the date of the certificate, as regards Her Majesty and all persons whatever, subject only to any charges or incumbrances, exceptions or qualifications mentioned therein, or in the Schedule thereto, and shall be conclusive evidence that every application, notice, publication, proceeding, consent and act whatsoever, which ought to have been made, given and done previously to the granting of the certificate, has been made, given and done by the proper parties.

Certified copy
of certificate to
be evidence.

31. After a certificate of title is duly registered, a copy of the certificate, purporting to be signed and certified as such copy, by the Registrar in Chancery, or by the Registrar for the County in which the land lies, shall be admissible evidence of the certificate for all purposes whatsoever, without further evidence of such copy, and without accounting for the non-production of the certificate.

Conveyance by
the Court in
case of Chan-
cery sale.

32. In case of a Chancery sale, the Court of Chancery, if it thinks fit, may investigate the title with a view to granting an indefeasible title, and in that case, a conveyance executed to the purchaser under the seal of the Court and purporting to be under the authority of this Act, shall have the same conclusive effect as a certificate.

Form.

33. The conveyance may be in the form set forth in Schedule E to this Act.

When an inde-
feasible title is
contracted for.

34. Where a decree is made for the specific performance of a contract for the sale of an estate, and it is part of the contract that the vendor shall have an indefeasible title, the Court shall make the like investigation, and the conveyance may be in the form set forth in the same Schedule E.

Right to judi-
cial investiga-
tion of some
fact, which

35. In case any person domiciled in Upper Canada, or claiming any real estate in Upper Canada, desires to establish, not his title to some specific property, but generally that

that he is the legitimate child of his parents, or that the marriage of his father and mother, or of his grandfather and grandmother, was a valid marriage, or that his own marriage was a valid marriage, or that he is the heir, or one of the co-heirs of any person deceased, or that he is a natural born subject of Her Majesty, he may, if the said Court thinks fit, have any of the said matters judicially investigated and declared.

36. The application may be by a short petition stating the object of the application.

37. The petition shall be supported by an affidavit of the applicant verifying the statements of the petition, and stating further that his claim is not disputed or questioned by any person; or if his claim is to his knowledge disputed or questioned, he shall set forth the facts in relation to such dispute or question, and shall depose that he is not aware of any dispute or question except what he has set forth, and he shall state in the affidavit such other facts as may satisfy the Court of the propriety of proceeding with the investigation.

38. The investigation shall be made by the same judicial authority, and in the same manner, and on the same evidence, and the same publication or other notice shall be required, and the same proceedings generally shall be had, and the certificate granted on such investigation shall be registered in the same way, and may be proved by the same evidence, as nearly as may be respectively, as in cases under the first section of this Act.

39. This certificate when registered shall be conclusive and indefensible in favor of the party on whose application the same was granted, and all persons claiming by, from, through or under him, and shall be *prima facie* evidence in favor of all other persons, and against all persons of the truth of the fact therein declared.

40. A separate book shall be kept in Chancery for the registering of these and other certificates of title, and conveyances given under this Act, and the certificates and conveyances registered therein shall be numbered in order, and convenient indexes to the book shall be kept in such form as the Court from time to time directs.

41. In case any person who, if not under disability, might have made any application, given any consent, or done any act, or been party to any proceeding under this Act, is a minor, an idiot or a lunatic, the guardian of the minor, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act and be party to such proceeding as such person might, if free from disability, have made, given, done or been party to, and shall otherwise represent such

person for the purposes of this Act; and if the minor has no guardian, or the idiot or lunatic no Committee of his estate, the Court or Judge may appoint a person with like power to act for the minor, idiot or lunatic; but a married woman shall, for the purposes of this Act, be deemed a feme-sole.

Married women.

Reinvestigation at the instance of any party aggrieved.

42. After a certificate is granted in regard to any of the matters investigated under this Act, any party aggrieved thereby may, on petition, and after satisfactorily accounting for his delay, have the title or claim re-investigated on such terms as may be just.

But those who have purchased, &c., in the mean time not to be affected.

43. But no proceeding on such petition shall affect the title of any person who, in the meantime, and after the registration of the certificate, shall have acquired, by sale, mortgage or contract, for valuable consideration, any estate or interest in the land specified in the certificate of title; or (in case the certificate was under the thirty-fifth section of this Act,) in any land or other property, the title to which was derived from, through or under the person named in the certificate, in the character which is thereby declared to belong to him.

Proceedings not abated by certain events.

44. Proceedings under this Act shall not abate or be suspended by any death or transmission or change of interest, but in any such event the Court or Judge may require notices to be given to persons becoming interested, or may make any order for discontinuing, or suspending, or carrying on the proceedings, or otherwise in relation thereto, as under the circumstances may be just.

Proceedings not void for want of form.

45. No petition, order, affidavit, certificate, registration or other proceeding under this Act shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceeding.

Appeals.

46. An appeal shall lie from any order or decision of a Judge under this Act to the full Court, and from the full Court to the Court of Error and Appeals, as in the case of Orders, Decrees, Rules and Judgments, in suits.

How this Act shall be construed.

47. The foregoing provisions of this Act shall be so construed and carried out, as to facilitate, as much as possible, the obtaining of indefeasible titles by the owners of estates in land, through the simplest machinery, at the smallest expense, and in the shortest time, consistent with reasonable prudence in reference to the rights or claims of other persons.

Punishment of persons obtaining certificates under this Act by fraud.

48. If in the course of any proceeding under this Act, any person acting either as principal or agent, shall, knowingly and with intent to deceive, make, or assist or join in or be privy to the making of, any material false statement or representation, or suppress,

* U Cap 11, Sec 3, 34 Vic.

suppress, conceal or assist or join in or be privy to the suppressing, withholding or concealing from the Court any material document, fact or matter of information, every person so acting shall be deemed to be guilty of a misdemeanor, and on conviction shall be liable to be imprisoned in the Provincial Penitentiary for a term not exceeding three years, and not less than two years, or to be imprisoned in any other prison or place of confinement for any term less than two years, and in the latter case with or without hard labor, or to be fined such sum as the Court by which he is convicted shall award; any order or declaration of title obtained by means of such fraud or falsehood, shall be null and void for or against all persons other than a purchaser for valuable consideration without notice.

Certificate to be void.

Exception.

49. If in the course of any proceeding before the Court, under this Act, any person shall fraudulently forge or alter, or assist in forging or altering, any certificate or other document relating to such land or the title thereto, or shall fraudulently offer, utter, dispose of or put off any such certificate or other document, knowing the same to be forged or altered, such person shall be guilty of felony, and upon conviction shall be liable, at the discretion of the Court by which he is convicted, to be imprisoned in the Provincial Penitentiary for life, or for any term not less than three years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years, and in the latter case with or without hard labor.

Forging or fraudulently altering certificate, &c., to be felony.

Punishment.

50. No proceeding or conviction for any act hereby declared to be a misdemeanor, shall affect any remedy which any person aggrieved by such act may be entitled to, either at law or in equity, against the person who has committed such act.

Conviction not to affect other remedy.

51. Nothing in this Act shall entitle any person to refuse to answer any question or interrogatory in any civil proceeding in any Court of law or equity, but no answer to any such question or interrogatory shall be admissible in evidence against such person in any civil proceeding.

As to obligation to answer interrogatories.

52. The said Court may, from time to time, make general orders for referring all or any applications under this Act, to any master, deputy master or other officer of the court, or to any Counsel or other person appointed by the Court in that behalf, and to regulate the fees to be paid on such reference, and the referee shall have the same powers as a Judge within the limits prescribed by such general orders; and the Court may also, from time to time, make other general orders for the purposes of this Act, and for regulating the practice under the same; and all general orders made in pursuance of this section may from time to time be rescinded or altered by the said Court.

Court may make general orders for carrying out this Act.

SCHEDULE A.

IN CHANCERY.

Form of Petition for the Investigation, Sect. 3.

In the matter of (the East half of lot No. in the.
*Concession in the Township of or as the case may
 be, describing the property very briefly.)* .

To the Honorable, the Judges of the Court of Chancery.

The Petition of

SHEWETH,—

That your Petitioner is absolute owner in fee simple in possession (*or as the case may be,*) of the following property (*describing it.*)

That there is no charge or other incumbrance affecting your Petitioner's title to the said land, (*except, &c., or,—that your Petitioner's title is subject only to the charges or incumbrances in the schedule hereto mentioned, and that the only persons having or claiming any charge, incumbrance, estate, right or interest in the said land are set forth in the schedule heretofore annexed, and that the charge, incumbrance, estate, right or interest belonging to or claimed by each is therein set forth.*) Your Petitioner therefore prays that his title to the said land may be investigated and declared under the Act for quieting titles to real estate in Upper Canada.

(Signed,)

A. B.

or

C. D., Solicitor for A. B.

SCHEDULE B.

Form of Registrar's Certificate of an Application under this Act, Sect. 4.

I certify that an application has been made by to the Court of Chancery, under the Act for quieting titles to real estate in Upper Canada, for a certificate of title to the following lands [*stating them.*]

ALEX. GRANT,
Registrar.

SCHEDULE C.

Form of an Adverse Claimant's Statement, Sec. 19.

In the matter of, &c., (*as in petition.*)

A. B. of, &c., claims to be the owner of the said land, &c.,
&c., (*stating very briefly the nature of the claim and the grounds*
of it.) Dated this day of 186 .

(Signed,)

A. B.,

or

C. D., Solicitor for A. B.

SCHEDULE D.

Form of Chancery Certificate of Title, Sect. 28.

No.—

These are to certify under the authority of the Act for quieting titles to real estate in Upper Canada, that A. B. is the legal and beneficial owner in fee simple in possession (*or as the case may be,*) of all, &c., [*here describe the property,*] subject to the reservations mentioned in the seventeenth section of the said Act and therein numbered respectively, one, two, three and four (*or as the case may be,*) and to (*specifying either by reference to a schedule or otherwise any of the other charges or incumbrances, exceptions or qualifications to which the title of A. B. is subject*) but free from all other rights, interests, claims and demands whatever. [*Or that [stating the facts found and declared under the thirty-fifth Section of this Act, and stating on whose application the same are declared.]*]

In Witness whereof [*Chancellor or one of the Vice*
Chancellors,] of the said Court, has hereunto set his hand, and
the seal of the said Court has been hereunto affixed, this
day of

A. GRANT,
Registrar.

C. D.

L. S.

SCHEDULE E.

Form of Chancery Deed, sects. 33 and 34.

No.—

The Court of Chancery for Upper Canada, under the authority of the Act for quieting titles to real estate in Upper Canada,
doth

doth hereby grant unto A. B., &c., [*here describe the premises sold*] to hold the same unto the said his heirs and assigns for ever, (*or as the case may be,*) subject to [*here specify as in the case of a Chancery certificate of title.*]

In Witness whereof, [Chancellor, or one of the Vice-Chancellors of the said Court,] has hereunto set his hand, and the seal of the said Court has been hereto set, this day of , in the year of Our Lord,

A. GRANT,
Registrar.

C. D

L. S.

CAP. XXVI.

An Act to declare valid certain Sales of Lands in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

13, 14 V. c. 67
cited.

WHEREAS by an Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, chapter sixty-seven, intituled : *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, it was amongst other things enacted that certain lands upon which any taxes should remain unpaid on the first day of January, one thousand eight hundred and fifty-one, or so much thereof as should be sufficient to discharge such taxes, with interest and costs, should be sold by the Sheriff or High Bailiff in manner in and by the said Act particularly mentioned and set forth ; And whereas it was further provided by the said Act that the owner of any such lands, so sold as aforesaid, might redeem the same within three years from the day of sale, and in case the same should not be so redeemed within that period, then that the Sheriff or High Bailiff, at any time after the expiration of that period, should execute and deliver a deed of sale of such land to the purchaser, his heirs and assigns ;

Recital.

Sales of land
or taxes.

And whereas, under the provisions of the said Act, various lands, upon which taxes were unpaid as aforesaid, were, in the year one thousand eight hundred and fifty-two, sold by various Sheriffs of Counties in Upper Canada ; which lands were never redeemed by the owners, according to the provisions of the said Act ;

Repeal of the
said Act.

And whereas, after such sales were made, and before the said period for the redemption thereof had expired, that is to say, on the fourteenth day of June, one thousand eight hundred and fifty-three, a certain other Act was passed (sixteenth Victoria, Chapter one hundred and eighty-two), which took effect on the first day of January, one thousand eight hundred and fifty-four,

fifty-four, whereby the said first-mentioned Act (thirteenth and fourteenth Victoria, chapter sixty-seven), was repealed, and no provision was made thereby for completing the sales made under the authority of the said first mentioned Act;

And whereas, in many cases, the lands sold under the said first-mentioned Act have never been redeemed, and the purchasers thereof have obtained deeds thereof from the respective Sheriffs, and gone into possession thereof, and made valuable improvements thereon;

Non-redemption of lands sold.

And whereas it has been decided and adjudged that by reason of the repeal of the said first mentioned Act, before the expiration of the period allowed for the redemption of such lands, and before the execution by the Sheriff to the purchaser, of a deed of the same, the title of such purchaser is defective, and unless a remedy be provided much loss and injury will be sustained by innocent purchasers; and it is expedient to provide a remedy in that behalf;

Doubt stated as to title of purchasers.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

1. In all cases where lands were legally sold for taxes under the authority of the said first mentioned Act, and not redeemed within the period by that Act limited in that behalf, and the purchaser or those claiming under him shall have gone into actual possession, such sales shall be and are hereby declared legal and binding upon all parties concerned, and all deeds executed or that may be executed by the Sheriff for conveying such lands to the respective purchasers thereof, shall be held to be legal and valid, anything in the said Statute secondly hereinbefore mentioned or any other Statute or law to the contrary notwithstanding.

Sales of land for taxes under repealed Act declared valid when purchaser has taken possession.

2. In all cases where the purchaser at such sales, or those claiming under him, shall not have gone into actual possession of the lands sold, the owner of such last mentioned land may redeem the same within one year from the passing of this Act by paying the amount of the taxes for which the lands were sold and the costs of the sale, and ten per cent. interest thereon, together with all taxes that may have been paid by the purchaser or his assigns, and ten per cent. interest thereon—and in default thereof such last mentioned sales are hereby declared to be legal and binding upon all parties concerned, and all deeds executed or that may be executed by the Sheriff for conveying such last mentioned lands to the respective purchasers thereof shall be held to be legal and valid.

When the purchaser has not taken possession, owner may redeem within one year: otherwise sale to be valid.

CAP. XXVII.

An Act to amend the Act respecting Short Forms of Mortgages in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Schedule 2 of
Act, 27, 28 V.
c. 31 amended.

1. The form of words numbered six in column number one of the second schedule of the Act passed at the Session of the Parliament of Canada, held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter thirty-one, intituled : *An Act respecting Short Forms of Mortgages in Upper Canada*, is hereby amended, by substituting the word "Mortgagee" for the word "Grantee" therein.

Further amend-
ment of the
said Schedule.

2. The form of words numbered fourteen in column number two of the second schedule of the English version of the said Act, is hereby amended, by striking out the word "or" after the word "assigns" in the twenty-third line of such form of words, and substituting therefor the word "of."

Further amend-
ment of the
said Schedule.

3. The form of words numbered fifteen in column number one of the second schedule of the said Act, is hereby amended, by substituting the word "Mortgagee" for the word "Mortgagor" therein.

CAP. XXVIII.

An Act to amend the law of property and Trusts in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

LEASES.

Restriction on
effect of license
contained in
lease, &c.,
Imp. Act 22,
23 V., c. 36, s.
1.

1. Where any license to do any act which, without such license, would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted, or to be hereafter granted, shall at any time after the passing of this Act, be given to any lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease, or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any

any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained, shall remain in full force and virtue, and shall be available as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made punishable by such license, in the same manner as if no such license had been given and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

2. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or underletting or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or owners to assign or underlet his share or interest, or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners to assign or underlet part only of the property, or to do any other such act as aforesaid, in respect of part only of such property such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees or owner or owners of the other shares or interests in the property, or by the lessee, or owner of the rest of the property, (as the case may be), or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

Restricted operation of partial licenses.
Imp. Act 22, 23 V., c. 38, s. 2.

3. Where any actual waiver of the benefit of any covenant or condition in any lease, on the part of any lessor, or his heirs, executors, administrators, or assigns, shall be proved to have taken place after the passing of this Act in any one particular instance, such actual waiver shall not be assumed or deemed to extend to any instance or any breach of covenant or condition other than that to which such waiver shall specially relate, nor to be a general waiver of the benefit of any such covenant or condition, unless an intention to that effect shall appear.

Actual waiver not to extend further than to the particular instance mentioned, and not to be deemed a general waiver.
Imp. Act 23, 24 V., c. 38, s. 6.

4. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reservation in respect of the apportioned rent or other reservation allotted or belonging to him.

Apportionment of condition of re-entry in certain cases.
Imp. Act 22 and 23 V. c. 35, s. 3.

POLICIES OF INSURANCE.

Relief against forfeiture for breach of covenant to insure in certain cases. Imp. Act 22 and 23 V. c. 35, s. 4.

5. The Court of Chancery shall have power to relieve against a forfeiture for breach of a covenant or condition to insure against loss or damage by fire, where no loss or damage by fire has happened, and the breach has, in the opinion of the Court, been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the Court, in conformity with the covenant to insure, upon such terms as to the Court may seem fit.

When relief is granted the same to be recorded. Imp. Act 22 and 23 V., c. 35, s. 5.

6. The Court, where relief shall be granted, shall direct a record of such relief having been granted to be made by endorsement on the lease or otherwise.

Lessor to have benefit of an informal insurance. Imp. Act 22 and 23 V., c. 35, s. 7.

7. The person entitled to the benefit of a covenant on the part of a lessee or mortgagor to insure against loss or damage by fire, shall, on loss or damage by fire happening, have the same advantage from any then subsisting insurance relative to the building or other property covenanted to be insured, effected by the lessee or mortgagor in respect of his interest under the lease or in the property, or by any person claiming under him, but not effected in conformity with the covenant, as he would have from an insurance effected in conformity with the covenant.

Protection of purchaser against forfeiture under covenant for insurance against fire in certain cases. Imp. Act 22 and 23 V. c. 35, s. 8.

8. Where on the *bond fide* purchase, after the passing of this Act, of a leasehold interest under a lease containing a covenant on the part of the lessee to insure against loss or damage by fire, the purchaser is furnished with the written receipt of the person entitled to receive the rent, or his agent, for the last payment of the rent accrued due before the completion of the purchase, and there is subsisting at the time of the completion of the purchase, an insurance in conformity with the covenant, the purchaser or any person claiming under him, shall not be subject to any liability by way of forfeiture or damage or otherwise, in respect of any breach of the covenant committed at any time before the completion of the purchase, of which the purchaser had not notice before the completion of the purchase; but this provision is not to take away any remedy which the lessor or his legal representatives may have against the lessee or his legal representatives for breach of covenant.

To what leases the preceding provisions shall apply. Imp. Act 22 and 23 V., c. 35, s. 9.

9. The preceding provisions shall be applicable to leases for a term of years absolute, or determinable on a life or lives, or otherwise, and also to a lease for the life of the lessee or the life or lives of any other person or persons.

RENT CHARGES.

Release of part of land charged

10. The release from a rent-charge of part of the hereditaments charged therewith shall not extinguish the whole rent-charge,

charge, but shall operate only to bar the right to recover any part of the rent-charge out of the hereditaments released, without prejudice, nevertheless, to the rights of all persons interested in the hereditaments remaining unreleased, and not concurring in or confirming the releases.

not to be an extinguishment of the charge on the rest, &c. Imp. Act 22 and 23 V., c. 35, s. 10.

POWERS.

11. A deed hereafter executed in the presence of, and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing, not testamentary, notwithstanding it shall have been especially required that a deed or instrument in writing, made in exercise of such power, should be executed or attested with some additional or other form of execution or attestation or solemnity; Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power, that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment, having no relation to the mode of executing and attesting the instrument; and nothing herein contained shall prevent the donor of a power from executing it conformably to the power, by writing or otherwise, than by an instrument executed and attested as an ordinary deed, and to any such execution of a power, this provision shall not extend.

Mode of executing powers.

Proviso: not to defeat certain directions. Imp. Act 22 and 23 V. c. 35, s. 12.

12. Where, under a power of sale, a *bonâ fide* sale shall be made of an estate, with the timber thereon, or any other articles attached thereto, and the tenant for life, or any other party to the transaction, shall by mistake, be allowed to receive for his own benefit a portion of the purchase money or value of the timber or other articles, it shall, be lawful for the Court of Chancery, upon any bill or claim or application in a summary way, as the case may require or permit, to declare that upon payment by the purchaser or the claimant under him, of the full value of the timber and articles at the time of sale, with such interest thereon as the Court shall direct, and the settlement of the said principal moneys and interest under the direction of the Court, upon such parties as in the opinion of the Court shall be entitled thereto, the said sale ought to be established; and upon such payment and settlement being made accordingly, the Court may declare that the said sale is valid, and thereupon the legal estate shall vest and go in like manner as if the power had been duly executed, and the costs of the said application, as between solicitor and client, shall be paid by the purchaser or the claimant under him.

Sale under power not to be avoided by reason of mistaken payment to tenant for life. Imp. Act 22 and 23 V., c. 35, s. 13.

13. Where, by any will which shall come into operation after the passing of this Act, the testator shall have charged his

Devisee in trust may

raise money by sale, notwithstanding want of express power in the will.

Imp. Act 22 and 23 V., c. 35, s. 14.

his real estate or any specific portion thereof, with the payment of his debts, or with the payment of any legacy or other specific sum of money, and shall have devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust, notwithstanding any trusts actually declared by the testator, to raise such debt, legacy or money as aforesaid by a sale and absolute disposition, by public auction or private contract, of the said hereditaments or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other, and any deed or deeds of mortgage so executed, may reserve such rate of interest, and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Powers given by last section extended to survivors, devisees, &c., Imp. Act 22 and 23 V., c. 35, s. 15.

14. The powers conferred by the last section shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise, or to any person or persons who may be appointed under any power in the will, or by the Court of Chancery, to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Executors to have power of raising money, &c., where there is no sufficient devise. Imp. Act 22 and 23 V., c. 35, s. 16.

15. If any testator who shall have created such a charge as is described in the thirteenth section, shall not have devised the hereditaments charged as aforesaid, in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being, named in the will, if any, shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said hereditaments, and such power shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall, for the time being, be vested; but any sale or mortgage under this Act shall operate only on the estate and interest, whether legal or equitable, of the testator, and shall not render it unnecessary to get in any outstanding subsisting legal estate.

Purchasers, &c., not bound to inquire as to powers. Imp. Act 22 and 23 V., c. 35, s. 17.

16. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by sections thirteen, fourteen and fifteen of this Act, or either of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Sections 13, 14 and 15, not to affect certain sales, &c., nor to extend to

17. The provisions contained in sections thirteen, fourteen, fifteen and sixteen, shall not in any way prejudice or affect any sale or mortgage already made or hereafter to be made, under or in pursuance of any will coming into operation before the passing of this Act, but the validity of any such sale or mortgage

mortgage shall be ascertained and determined in all respects as if this Act had not passed; and the said several sections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies; nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

devisees in fee or in tail.
Imp. Act 23 and 24 V., c. 35, s. 18.

PROVISIONS FOR CASES OF FUTURE AND CONTINGENT USES.

18. Where by any instrument any hereditaments have been or shall be limited to uses, all uses thereunder, whether expressed or implied by law, and whether immediate or future, or contingent or executory, or to be declared under any power therein contained, shall take effect when and as they arise by force of and by relation to the estate and seizin originally vested in the person seized to the uses, and the continued existence in him or elsewhere of any seizin to uses or *scintilla juris*, shall not be deemed necessary for the support of, or to give effect to future or contingent or executory uses; nor shall any such seizin to uses or *scintilla juris* be deemed to be suspended, or to remain or to subsist in him or elsewhere.

In case of limitation to uses they shall take effect as they arise, without continued seizin or *scintilla juris* in the persons originally seized.
Imp. Act 23 and 24 V., c. 38, s. 7.

ASSIGNMENT OF PERSONALTY.

19. Any person shall have power to assign personal property, now by law assignable, including chattels real, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Assignment to self and others.
Imp. Act 22 and 23 V., c. 35, s. 21.

FRAUDS ON SALES AND MORTGAGES.

20. Any seller or mortgagor of land, or of any chattels, real or personal, or choses in action, conveyed or assigned to a purchaser or mortgagee, or the solicitor or agent of any such seller or mortgagor, who shall, after the passing of this Act, conceal any settlement, deed, will or other instrument material to the title, or any incumbrance, from the purchaser or mortgagee, or falsify any pedigree upon which the title does or may depend, in order to induce him to accept the title offered or produced to him, with intent in any of such cases to defraud, shall be guilty of a misdemeanor, or being found guilty, shall be liable, at the discretion of the court, to suffer such punishment, by fine or by imprisonment for any time not exceeding two years, with or without hard labor, or by both, as the court shall award, and shall also be liable to an action for damages at the suit of the purchaser or mortgagee, or those claiming under the purchaser or mortgagee, for any loss sustained by them or either or any of them, in consequence of the settlement, deed, will or other instrument or incumbrance so concealed, or of any claim made by any person under such pedigree, but whose right was concealed by the falsification of such pedigree; and

Punishment of vendor or mortgagor for fraudulent concealment of deeds, &c., or falsifying pedigree.
Imp. Act 22 and 23 V., c. 35, s. 25, and 23 and 24 V., c. 38, s. 8.

Consent of
Crown Law
Officer to pro-
secution
required.

and in estimating such damages where the estate shall be recovered from such purchaser or mortgagee, or from those claiming under the purchaser or mortgagee, regard shall be had to any expenditure by them, or either or any of them, in improvements on the land ; but no prosecution for any offence included in this section, against any seller or mortgagor, or any solicitor or agent, shall be commenced without the sanction of Her Majesty's Attorney General for Upper Canada, or in case that office be vacant, of Her Majesty's Solicitor General for Upper Canada ; and no such sanction shall be given without such previous notice of the application for leave to prosecute, to the person intended to be prosecuted, as the Attorney General or the Solicitor General (*as the case may be*) shall direct ; and no prosecution for concealment shall be sustained unless a written demand of an abstract of title was served by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage.

INTERPRETATION CLAUSE.

Interpretation
of words used
in this Act.

"Land."

21. In the construction of the previous provisions in this Act, the term "land" shall be taken to include all tenements and hereditaments, and any part or share of or estate or interest in any tenements or hereditaments, of what tenure or kind soever ; and

"Mortgage."

The term "mortgage" shall be taken to include every instrument by virtue whereof land is in any manner conveyed, assigned, pledged or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, re-assigned or re-leased on satisfaction of the debt ; and

"Mortgagor."

The term "mortgagor" shall be taken to include every person by whom any such conveyance, assignment, pledge or charge as aforesaid shall be made ; and

"Mortgagee."
Imp. Act 22
and 23 V., c. 35,
s. 26.

The term "mortgagee" shall be taken to include every person to whom or in whose favor any such conveyance, assignment, pledge or charge as aforesaid is made or transferred.

POWERS OF ATTORNEY.

Powers of
attorney exe-
cuted by mar-
ried women.

22. A power of attorney executed by a married woman for the sale or conveyance of any real estate of or to which she is seized or entitled in Upper Canada, or authorizing the attorney to execute a deed barring or releasing her dower in any lands or hereditaments in Upper Canada, shall be valid both at law and in equity ; provided, (1) that she be examined and a certificate indorsed on the power of Attorney, as required in regard to deeds and conveyances by a married woman, under the Consolidated Statutes for Upper Canada respectively, intituled : *An Act respecting Dower*, and *An Act respecting the conveyance of Real Estate by Married Woman* ; and provided [2] that her husband is a party to and executes such power of attorney or
the

the deed or other instrument executed in pursuance thereof, where the power is for the sale or conveyance of her real estate.

23. In case a power of attorney for the sale or management of real or personal estate, or for any other purpose, provides that the same may be exercised in the name and on the behalf of the heirs or devisees, executors or administrators of the person executing the same, or provides by any form of words that the same shall not be revoked by the death of the person executing the same, such provision shall be valid and effectual to all intents and purposes both at law and in equity, according to the tenor and effect thereof, and subject to such conditions and restrictions, if any, as may be therein contained.

As to a power of attorney provided expressly to be executed after decease of constituent.

24. Independently of any such special provision in a power of attorney, every payment made and every act done under and in pursuance of any power of attorney, or any power, whether in writing or verbal, and whether expressly or impliedly given, or an agency expressly or impliedly created after the death of the person who gave such power or created such agency, or after he has done some act to avoid the power or agency, shall, notwithstanding such death or act last aforesaid, be valid as respects every person party to such payment or act, to whom the fact of the death, or of the doing of such act as last aforesaid was not known at the time of such payment or act *bond fide* done as aforesaid, and as respects all claiming under such last mentioned person.

As to things done and powers of attorney after the decease, &c., of constituents, without such special provisions.

DISTRIBUTION OF ASSETS.

25. Where an executor or administrator, liable as such to the rents, covenants or agreements contained in any lease or agreement for a lease granted or assigned to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease, as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised, or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease, or agreement for a lease, to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased, to and amongst the parties entitled thereto respectively, without appropriating any part, or any further part (as the case may be) of the personal estate of the deceased, to meet any future liability under the said lease, or agreement for a lease; and the executor or administrator so distributing the residuary estate, shall not after having assigned the said lease, or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid,

As to liability of executor or administrator in respect of rents, covenants or agreements. Imp. Act 23 and 23 V., c. 36, s. 27.

aforesaid, be personally liable in respect of any subsequent claim under the said lease, or agreement for a lease ; but nothing herein contained shall prejudice the right of the lessor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

As to liability of executor in respect of rents, &c., in conveyances on rent-charges.
Imp. Act 22 and 23 V., c. 35, s. 23.

26. In like manner where an executor or administrator, liable as such, to the rent, covenants or agreements contained in any conveyance on chief rent or rent-charge, (whether any such rent be by limitation of use, grant or reservation,) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate, whose estate is being administered, shall have satisfied all such liabilities under the said conveyance, or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part or any further part (as the case may be) of the personal estate of the deceased, to meet any future liability under the said conveyance, or agreement for a conveyance ; and the executor or administrator so distributing the residuary estate, shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance ; but nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

As to distribution of the assets of testator or intestate after notice given by executor or administrator.
Imp. Act 22 and 23 V., c. 35, s. 29.

27. Where an executor or administrator shall have given such, or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged, would have been given by the Court of Chancery in an administration suit, for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and

and shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such executor or administrator shall not have had notice of the time of distribution of the said assets, or a part thereof, as the case may be ; but nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, into the hands of the person or persons who may have received the same respectively.

28. On the administration of the estate of any person dying after the passing of this Act, in case of a deficiency of assets, debts due to the Crown, and to the executor or administrator of the deceased person, and debts to others, including therein respectively debts by judgment, decree or order, and other debts of record, debts by specialty, simple contract debts, and such claims for damages as by statute, are payable in like order of administration as simple contract debts—shall be paid *pari passu* and without any preference or priority of debts of one rank or nature over those of another ; but nothing herein contained shall prejudice any lien existing during the lifetime of the debtor on any of his real or personal estate.

In case of deficiency of assets, certain debts to rank *pari passu*, and without priority over each other.

Exception.

29. In case the executor or administrator gives notice in writing to any creditor or other person of whose claims against the estate such executor or administrator has notice, or to the attorney or agent of such creditor or other person, that the said executor or administrator rejects or disputes such claim, it shall be the duty of the claimant to commence his suit in respect of such claim, within six months after such written notice was given, in case the debt, or some part thereof, was due at the time of the notice, or within six months from the time the debt, or some part thereof, falls due, if no part thereof was due at the time of the said notice, and in default the said suit shall be for ever barred.

If an executor or administrator rejects a claim, suit must be brought within a certain period, or be barred.

LIMITATION IN INTESTACY.

30. After the first day of January, one thousand eight hundred and sixty-six, no suit or other proceeding shall be brought to recover the personal estate, or any share of the personal estate of any person dying intestate, possessed by the legal personal representative of such intestate, but within the time within which the same might be brought to recover a legacy, that is to say, within ~~twelve~~ years next after a present right to receive the same, shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of such estate or share, or some interest in respect thereof shall have been accounted for or paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person accountable for the same, or his agent, to the person entitled thereto, or his agent ; and in such case, no such action or suit shall be brought

After 1st of January, 1866, a suit to recover personal estate of an intestate or any part thereof, must be brought within the same time as a suit for a legacy.
Imp. Act 23 and 24 V., c. 38, s. 13.

but within ~~twenty~~ ^{Three} years after such accounting, payment or acknowledgment, or the last of such accountings, payments or acknowledgments, if more than one was made or given.

SUMMARY APPLICATIONS TO CHANCERY.

Trustee, executor, &c., may apply by petition to Judge of Chancery for opinion, advice, &c., in management, &c., of trust property.
Imp. Act 22 and 23 V., c. 35, c. 30.

31. Any trustee, executor or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the Court of Chancery, or by summons upon a written statement to any such Judge in Chambers, for the opinion, advice, or direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate; such petition or statement to be accompanied by a certificate of counsel, to the effect that in his judgment the case stated is a proper one for the opinion, advice, or direction of the Judge under this Act, and such application to be served upon, or the hearing thereof to be attended by, all persons interested in such application or such of them as the said Judge shall think expedient; and the trustee, executor or administrator acting upon the opinion, advice or direction given by the said Judge, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor, or administrator, in the subject matter of the said application; Provided, nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction; and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

LIABILITY OF TRUSTEES.

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.
Imp. Act 22 and 23 V., c. 35, s. 31.

32. Every deed, will, or other document creating a trust, either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say:—
“That the trustees or trustee, for the time being, of the said deed, will or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited; nor for the insufficiency or deficiency of any stocks, funds, or securities; nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being, of the
“said

"said deed, will or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will or other instrument."

LAND SUBJECT TO MORTGAGES.

23. When any person shall, after the thirty-first of December, one thousand eight hundred and sixty-five, die seized of or entitled to any estate or interest in any land or other hereditaments, which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed, or other document, have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised, shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate, or any other real estate of such person, but the lands or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part of the mortgage debts charged on the whole thereof; Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such lands or hereditaments to obtain full payment or satisfaction of his mortgage debts, either out of the personal estate of the person so dying as aforesaid or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document already made or to be made before the first day of January, one thousand eight hundred and sixty-six.

In case of persons dying after 31st Dec., 1865, mortgages on his real property to be paid out of such property and not out of his personal estate. Imp. Act 17, 18 V. c. 113.

Proviso,

Proviso.

C A P . X X I X .

An Act to amend the Act respecting Attorneys.

[Assented to 18th September, 1865.]

WHEREAS by the Act passed in the twenty-eighth year of Her Majesty's Reign, chaptered Twenty-one, and intituled: *An Act to amend the Act respecting Attorneys*, the fourth subsection of the third section of chapter thirty-five of the Consolidated Statutes for Upper Canada, was repealed, and a new fourth subsection was substituted in lieu thereof; and whereas the fifth subsection of the third section of the said chapter thirty-five, conflicts with the said substituted subsection, and it is desirable that the same should be repealed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

28 V. c. 21 cited.

1. The fifth subsection of the third section of chapter thirty-five of the Consolidated Statutes for Upper Canada shall be and the same is hereby repealed.

Part of Sect. 3 of the said Act repealed.

C A P . X X X .

An Act to amend the Act intituled : *An Act respecting County Courts.*

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 5 of c. 15,
Con. Stat. Can.
amended and
extended.

1. The fifth section of the fifteenth chapter of the Consolidated Statutes for Upper Canada is hereby amended and extended by the addition of the words, "or as a conveyancer, "or do any manner of conveyancing, or prepare any papers or "documents to be used in any Court of this Province," which words are hereby incorporated in that section, and shall be read as a part thereof immediately after the word "Public," in such section.

C A P . X X X I .

An Act to amend chapter nineteen of the Consolidated Statutes for Upper Canada, respecting the Division Courts.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

County Judge
may on peti-
tion establish
a Division
Court, not-
withstanding
the Act in that
behalf.

1. Notwithstanding anything in the said Act respecting the Division Courts, it shall and may be lawful for any Judge of a County Court, in his discretion, upon the petition of the Municipal Corporation of any township or united townships in which no Division Court has already been established, praying that a Division Court may be established in and for such township or united townships, to establish and hold a Division Court therein, and the Court so established shall be numbered and called the

Division Court of the County or United Counties in which such township or united townships shall be situated, taking the number next after the highest number of the Courts then existing in such county or united counties ; and the Courts so established shall have the same jurisdiction as Division Courts established under the said Act respecting Division Courts, and all and singular the provisions of the said Act, not inconsistent with this Act, shall apply to all Courts established under this Act ; provided always, that no business shall be transacted in any such Court until after the establishment thereof shall have been certified by the County Judge to the Governor in Council, together with the petition praying for the same and the passing of an Order by the Governor in Council approving thereof.

Proviso : Court
must be con-
firmed by
Governor in
Council.

CAP. XXXII.

An Act to regulate the Costs of Arbitrations in Upper Canada.

[Assented to 18th September, 1865.]

FOR restraint of unreasonable charges attending Arbitrations : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. No Arbitrator, who is not by profession and calling a Barrister, Attorney, Engineer, Architect, or Deputy Provincial Land Surveyor, shall be entitled to demand or take for his attendance and services as an Arbitrator, any greater fees than are hereinafter set down in the Schedule to this Act, marked A.

Fees to Arbitrators not being Barristers, Architects, &c.

2. No Arbitrator, who is by profession and calling a Barrister, Attorney, Engineer, Architect, or Deputy Provincial Land Surveyor, shall be entitled to demand or take for his attendance and services as such Arbitrator, any greater fees than are hereinafter set down in the Schedule to this Act, marked B.

Fees to Arbitrators being Barristers, Architects, &c.

3. No greater fees shall be taxed or allowed to any persons called as witnesses before any Arbitrator or Umpire than would be taxed and allowed to the same persons in an ordinary suit before a Court having jurisdiction over the subject-matter of reference.

Fees to witnesses.

4. Whenever, at any meeting of Arbitrators, of which due notice has been given to the respective parties, no proceedings are taken in consequence of the absence of either of the parties, or because a postponement is made by the Arbitrators at the request of either party to some future day, the Arbitrators shall make up an account of the costs, charges and disbursements of such meeting, including the proper charge for their own attendance and that of any witnesses, and of the Counsel or Attorney of the party present, or not desiring such postponement, and shall charge the amount thereof, or of the disbursements against the party making default in attending, or at whose request the postponement shall have been made, (unless the Arbitrators, under the special circumstances of the case, shall think that it would be unjust to charge such disbursements, or costs, charges and disbursements against him,) and such last named party shall be bound to pay the same to the other, whatever may be the event of the award and reference, and the Arbitrators shall, in the award make any direction or adjudication necessary for that purpose, and if such sum be payable by the party in whose favor the award is otherwise made, it may be set off against, and deducted from any amount awarded in favor of that party.

In case of absence of parties or postponement at their request costs of meeting to be taxed against them.

Taxing of costs on arbitrations.

5. Either party to an Arbitration shall be entitled to have the costs thereof taxed, including the fees to the Arbitrators, by the Master of either of the Superior Courts at Toronto, having jurisdiction of the cause ; or in cases where the Arbitrators determine the amount of the costs, or where there is no cause in Court, by the Master to be named in a Judge's order, which may be granted for that purpose, on a proper application on affidavit, setting forth the facts.

Taxing power restricted, as to amounts.

6. The Master shall in no case tax higher fees than are set down in this Act, but upon reasonable grounds established before him upon affidavit, he may in taxation reduce the maximum mentioned in the Schedules, but not below the minimum, having always regard to the length of the arbitration, and to the value of the matter in dispute, and the difficulty of the questions to be decided, but he shall not tax more than one Counsel fee to either party for any meeting of the Arbitrators.

Costs of award.

7. The Master may tax and allow a reasonable sum for the preparation and drawing up of the award.

Revision of taxation.

8. A revision of taxation may at any time be granted upon application to the Court or a Judge, reasonable ground being shewn.

Agreement to refer, may include limitation of fees to arbitrators.

9. It shall be lawful for the parties who refer any matter in difference between them to arbitration, whether any cause, suit or action be pending between them or not, to agree, by writing, signed by them, or by making such agreement a part of their submission, to pay to the Arbitrator or Arbitrators, if more than one—and for this purpose an Umpire duly appointed shall be included in the term Arbitrators—such fees or sums for each day's attendance, or such gross sums for their taking upon themselves the burden of the reference and making the award, as the said parties shall see fit, and in every such case the fees and sums so agreed upon shall be substituted for those set down and authorized in the Schedules to this Act, and shall be taxed and allowed by the Master accordingly.

Provision in case of refusal or delay to make award, &c.

10. If any Arbitrator, after taking upon himself the burden of any reference, and after hearing the parties, their Counsel and Attorneys or evidence, as the case may be, shall refuse or delay, after the expiration of one calendar month from the close of the proceedings before him, to make, execute and deliver his award upon the matters submitted, until a larger sum is paid to him for his fees than is by this Act permitted, and may be taxed ; or shall receive for such his award, or for his fees as Arbitrator, any such larger sum, he shall, for each and every such refusal or delay, forfeit and pay to the party who has demanded and was entitled to obtain the award, or who has paid to the Arbitrator any such larger sum in order to obtain,

Penalty and mode of recovery.

obtain, or as a consideration for having obtained such award, treble the amount of the whole sum demanded by the Arbitrator, and to obtain payment whereof he has refused or delayed as aforesaid to make, execute or deliver his award, or treble the sum actually paid to him for his award, and received by him contrary to the provisions of this Act, such treble sum or sums to be recoverable with full costs in an action of debt to be brought in either of the Superior Courts of Common Law.

11. In all cases where an award has heretofore been or shall hereafter be made, the Arbitrator making the same may maintain an action for his fees upon such award, after the same shall have been taxed, which taxation may be made at the instance of the Arbitrator, upon notice to any party to the reference, against whom he may afterwards bring such action; and in the absence of an express agreement in respect thereof, the Arbitrator may maintain such action, after such taxation, against all the parties to such reference, jointly or severally.

Arbitrator to have action for fees taxed to him.

12. The word "Arbitrator" in the Act shall be taken to include all Arbitrators, every umpire or umpires, and every referee in the nature of an Arbitrator; and the word "award" shall include every umpirage and every certificate in the nature of an award.

Interpretation.

13. This Act shall extend only to Upper Canada.

Act limited to U. C.

SCHEDULE A.

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of either party, not less than	\$ 2 00
Nor more than.....	\$ 4 00
For every's day's sitting, to consist of not less than six hours, not less than.....	\$ 5 00
Nor more than.....	\$10 00
For every sitting not extending to six hours (fractional parts of hours being excluded) when the arbitration is actually proceeded with, for each hour occupied in such proceedings, at the rate of not less than.....	\$ 1 00
Nor more than.....	\$ 1 50

SCHEDULE B.

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of either party, not less than	\$ 4 00
Nor more than.....	\$ 8 00
For	

For every day's sitting, to consist of not less than six hours, not less than.....	\$10 00
Nor more than.....	\$20 00
For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings, at the rate of not less than.....	\$ 2 00
Nor more than.....	\$ 3 00

CAP. XXXIII.

An Act to amend Chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Master and Servant.*

[Assented to 18th September, 1865.]

Preamble.

Con. Stat. U. C.
c. 75.

WHEREAS doubts have arisen as to the application in certain cases, of the provisions of the Act respecting Master and Servant, chapter seventy-five of the Consolidated Statutes for Upper Canada, and it is expedient that they should be removed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

How certain differences between master and servant are to be decided.

1. If after the termination of an engagement between master and servant, any dispute shall arise between them in respect of the term of such engagement or of any matter appertaining to it, the Justice or Justices of the Peace who shall receive the complaint shall be bound to decide the matter, in accordance with the provisions of the Act respecting master and servant, and as though the engagement between the parties still subsisted ; provided that proceedings be taken within one month after the engagement shall have ceased.

Proviso.

What evidence to be taken.

2. Whenever the Justice shall take the evidence of the complainant in support of his or her claim, the said Justice shall be bound to take the evidence of the defendant also, if tendered.

CAP. XXXIV.

4 An Act to regulate the Qualifications of Practitioners in Medicine and Surgery in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified Practitioners : Therefore, Her Majesty, by and with the

the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. This Act shall be known and cited as "The Medical Act for Upper Canada." Short title.

2. This Act shall take effect from and after the first day of January, one thousand eight hundred and sixty-six. When Act shall take effect.

3. A Council, which shall be styled "The General Council of Medical Education and Registration of Upper Canada," hereinafter referred to as "The Council," shall be established. General Council established.

4. The Council shall consist of one person, chosen from time to time, by each of the following Colleges and bodies, in such manner, as by By-laws of such Colleges or bodies, or of their Governors, Directors or of the Trustees thereof, shall be provided :— Composition of Council.

The University of Toronto,
The University of Queen's College,
The University of Victoria College,
The University of Trinity College, Toronto,
The Toronto School of Medicine,

Election
Colleges.

and by every other college or body in Upper Canada, by law authorized or hereafter to be authorized to grant Medical or Surgical Degrees or Certificates of qualification to practise Medicine, Surgery and Midwifery, or either, and of twelve persons to be elected from among the registered practitioners of medicine of Upper Canada as hereinafter is provided.

5. Members of the council, representing medical corporations, must be qualified to be registered under this Act. Qualification of members.

6. There shall be elected from time to time by open public meeting of medical practitioners registered under this Act, resident in each of the territorial divisions of Upper Canada, mentioned in Schedule C to this Act, one member of council for each of such territorial divisions ; and the place, time and mode of holding such election, and the person to act as Returning Officer thereat, shall be determined by the Governor in Council, and published thrice in the *Canada Gazette* ; Provided always, that at the elections to be first held after the passing of this Act, every person so resident and entitled to be so registered may vote and shall be qualified for election as such member. Election by Medical practitioners in different places.

 proviso : who may be elected.

7. The members of the council shall be chosen for a period of three years ; any member may resign his appointment at any time by letter, addressed to the President of the council ; and upon the death or resignation of any member of the council some other person shall be constituted a member of the said council in his place, in manner hereinbefore provided, but it

it shall be lawful for the council during such vacancy to exercise the power hereinafter mentioned.

**First meeting
of Council.**

**Rules and regu-
lations to be
made.**

If not made.

**Proviso: no-
tice.**

**Absence of pre-
sident.**

Majority, &c.

**Payment of
members.**

**Council may
appoint officers.**

**Application of
moneys.**

**Duty of Re-
gistrar.**

Proviso.

8. The council shall hold its first meeting within six months from the commencement of this Act, in such place and at such time as the Attorney General for Upper Canada shall appoint; and shall make such rules and regulations as to the times and places of the intended meetings of the council and the mode of summoning the same as to them shall seem expedient, which rules and regulations shall remain in force till altered at any subsequent meeting; in the absence of any rule or regulation as to the summoning of future meetings of the council, it shall be lawful for the President thereof to summon the same, at such time and place as to him shall seem fit, by circular letter to be mailed to each member; provided always, that at least two weeks' notice of such meeting be given; in the event of the absence of the President from any meeting, some other member to be chosen from among the members present, shall act as President; all acts of the Council shall be decided by the majority of the members present, the whole number not being less than nine; at all meetings, the President, for the time being, shall have a casting vote only.

9. There shall be paid to the members of the council such fees for attendance and such reasonable travelling expenses, as shall from time to time be allowed by the council.

10. The council shall appoint a President, Registrar and Treasurer, and such other officers as may be necessary to the working of this Act.

11. All moneys forming part of the council funds, shall be paid to the Treasurer, and shall be applied to carrying this Act into execution.

12. It shall be the duty of the Registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the council, and to erase the names of all registered persons who shall have died, and he shall, from time to time, make the necessary alterations in the address or qualifications of the persons registered under this Act; and to enable him duly to fulfil the duties imposed on him, it shall be lawful for him to write a letter to any registered person, addressed according to the address of such person on the register, to enquire whether he has ceased to practise or has changed his residence, and if no answer shall be returned to such letter within the period of six months from the sending of such letter, it shall be lawful for the Registrar to erase the name of such person from the Register; Provided always, that the same shall be restored by direction of the council, upon cause duly shewn to that effect.

13. Every person resident in Upper Canada, and now possessed, or who hereafter may become possessed of any one or more of the qualifications described in the Schedule (A) to this Act shall, on the payment of a fee not exceeding five dollars in respect of qualifications obtained on or before the first day of January one thousand eight hundred and sixty-six, and not exceeding ten dollars in respect of qualifications obtained on or after that date, be entitled to be registered, on producing to the Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to the Registrar, information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained; and it shall be lawful for the several colleges and bodies, named or referred to in section four of this Act, to transmit from time to time to the said Registrar, lists certified under their respective seals of the several persons who, in respect of qualifications granted by such colleges and bodies respectively, are for the time being entitled to be registered under this Act, stating the respective qualifications and places of residence of such persons; and it shall be lawful for the Registrar thereupon, and upon payment of such fee as aforesaid, in respect of each person to be registered, to enter in the register the persons mentioned in the list with their qualifications and places of residence as thereon stated, without other application in relation thereto.

Who may be registered.

Fees.

Colleges, &c., may transmit lists of persons to be registered.

Duty of Registrar on payment of fees.

14. Any person entitled to be registered under this Act, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges conferred by the provisions of this Act so long as such neglect or omission continues; and it shall be lawful for the council to charge and receive from the persons who register after the first day of May, one thousand eight hundred and sixty-six, a fee not exceeding ten dollars.

Persons neglecting to be registered to forfeit privileges.

15. The council shall, at their first meeting, and from time to time, as occasion may require, make orders, regulations or by-laws for regulating the registers to be kept under this Act, as nearly as may be in accordance with the form set forth in Schedule B to this Act, or to the like effect.

Council to make by-laws respecting registers.

16. The council shall have power and authority to establish a uniform standard of Matriculation or preliminary education for the admission of all students, and to make by-laws and regulations for determining the admission and enrolling of students.

Standard of preliminary education for students.

17. The council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by students, and such curriculum of studies shall be observed

Curriculum to be fixed.

Proviso.

observed and taught by all colleges or bodies referred to in section four of this Act ; Provided always that such curriculum of studies shall first receive the approval of the Governor in Council, and be published once in the *Canada Gazette*.

In case any college does not observe the curriculum prescribed.

Power of Governor in Council.

Proviso.

18. In case it shall appear to the council, that any of the colleges or bodies referred to in section four of this Act, have not observed and followed such curriculum of studies, and have granted the certificates of qualification, which they are entitled to grant under Schedule A of this Act, without such course of study and examination as is necessary to secure the possession, by persons obtaining such qualification, of a uniform and requisite standard knowledge and skill for the efficient practice of the profession, it shall be lawful for the Council to represent the same to the Governor in Council, and it shall thereupon be lawful for the Governor in Council, upon such representation as aforesaid, if it be seen fit, to authorize the General Council of Medical Education and Registration of Upper Canada to refuse registration to persons holding such qualifications, until they have completed the curriculum referred to in the next preceding section of this Act ; Provided always that it shall be lawful for the Governor in Council, upon further representation from the said General Council, or otherwise, that any such College or body has made efficient provision for teaching and complying with the said curriculum, to order that its certificates of qualification granted thereafter, shall entitle the holder to registration under this Act.

Colleges, &c., to furnish statement of studies when required.

19. Theseveral colleges and bodies named or referred to in section four of this Act, shall, from time to time, when required by the Council, furnish such Council with such information as they may require, as to the course of study and examinations to be gone through in order to obtain the respective certificates of qualification which they are entitled to grant under schedule A to this Act, and the ages at which such course of study and examinations are required to be gone through, and such qualifications are conferred, and generally as to the requisites for obtaining the same ; and any member or members of the Council, or any person or persons deputed for this purpose by such Council, may attend and be present to see that such curriculum is duly pursued and the examination duly held.

In case of attempt to prevent candidate from adopting any special theory, Governor in Council may issue injunction.

20. In case it shall appear to the Council that attempt has been made by any such college or body to impose upon any candidate offering himself for examination, an obligation to adopt or refrain from adopting the practice of any particular theory of Medicine or Surgery as a test or condition of admitting him to examination or of granting a certificate, it shall be lawful for the Council to direct such college or body to desist from such practice ; and in the event of their not complying therewith may represent the same to the Governor in Council, and

and the Governor in Council may thereupon issue an injunction to such college or body so acting, to desist from such practice, and in the event of their not complying therewith, then to order that such college or body shall cease to have the power of conferring any right to be registered under this Act, so long as they shall continue such practice.

21. No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the Registrar be satisfied by the proper evidence that the person claiming is entitled to it; and any appeal from the decision of the Registrar may be decided by the Council, and any entry which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from the register by order in writing of the Council.

No qualification to be registered unless Registrar is satisfied of its correctness. Appeal.

22. The Registrar of the Council shall, in every year, cause to be printed, published and sold, under the direction of such Council, a correct register of the names in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule B to this Act or to the like effect, and medical titles, diplomas and qualifications conferred by any college or body with the dates thereof of all persons appearing on the register as existing on the first day of January of every year, and such register shall be called "*The Medical Register for Upper Canada*," and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all courts and before all Justices of the Peace and others that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act; Provided always that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the Council, of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

Medical Registered for U. C. to be published.

To be evidence.

Proviso.

23. Any registered medical practitioner, who shall have been convicted of any felony in any court, shall thereby forfeit his right to registration, and by the direction of the council his name shall be erased from the register.

Practitioner convicted of felony.

24. Every person registered under this Act, who may have obtained any higher degree or any qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, on the payment of such fee as the council may appoint.

Higher degrees and qualifications may be registered.

Persons registered to be entitled to practise and to recover fees.

25. Every person who shall be registered under the provisions of this Act shall be entitled, according to his qualification or qualifications, to practise Medicine, Surgery and Midwifery, or either or any of them, as the case may be, in Upper Canada, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional aid, advice and visits and the cost of any medicine or other medical or surgical appliances rendered or supplied by him to his patients.

None but registered practitioners to recover after 1st May, 1866.

26. After the first day of May, one thousand eight hundred and sixty-six, no person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act.

Interpretation.
Legally qualified practitioner.

27. After the first day of May, one thousand eight hundred and sixty-six, the words "legally qualified medical practitioner" or "duly qualified medical practitioner," or any other words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of Parliament, shall be construed to mean a person registered under this Act.

No unregistered person after 1st May, 1866, to attend any institution receiving public grant.

28. After the first day of May, one thousand eight hundred and sixty-six, no person shall be appointed as medical officer, physician or surgeon in any branch of the public service, militia, or otherwise, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he be registered under the provisions of this Act.

No certificate to be valid unless signer is registered.

29. After the first day of May, one thousand eight hundred and sixty-six, no certificate required by any Act now in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner shall be valid, unless the person signing the same be registered under this Act.

Falsification of register.

30. If the Registrar make or cause to be made any wilful falsification in any matters relating to the register, he shall be deemed guilty of misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

Punishment of persons fraudulently causing themselves to be registered.

31. If any person shall wilfully procure or attempt to procure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person knowingly aiding and assisting him therein, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

32. Any person who shall wilfully and falsely pretend to be or take or use any name, title, addition or description implying that he is registered under this Act, shall, upon prosecution and conviction in any Court of competent jurisdiction, forfeit and pay a penalty not exceeding one hundred dollars; and every such penalty shall form part of the funds of the council, and shall be paid over to the Treasurer for the uses and purposes thereof.

Persons falsely claiming to be registered.

33. It shall be the duty of the member of the council representing each such territorial division to notify the Registrar of the council, of the death of any registered medical practitioner occurring within his division, so soon as he shall become aware of the same, and upon the receipt of such notification, the Registrar shall erase the name of the person so deceased from the register.

Member of Council to notify Registrar of death.

34. Any person who shall wilfully and falsely pretend to be, or take, or use, the name or title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner, or any name, title, addition or description, implying that he is registered under this Act, or that he is recognized by law as a Physician or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, shall, upon a summary conviction before any Justice of the Peace, for any such offence, pay a sum not exceeding fifty dollars, and in default of the payment of such penalty, on conviction, the offender may be committed to the Common Jail of the County until the same is paid.

Penalty for falsely assuming certain titles.

35. From and after the passing of this Act, the Act chapter forty of the Consolidated Statutes for Upper Canada shall be and the same is hereby repealed.

Cap 40 Con. Stat. U. C. repealed.
But see c. 35.

36. Nothing in this Act contained shall be held to repeal, amend, or at all affect, in whole or part, the Act chapter seventy-six of the Consolidated Statutes of Canada, or the Act chapter forty-one of the Consolidated Statutes for Upper Canada, or the Act passed in the twenty-sixth year of Her Majesty's Reign, chapter one hundred and ten, or the Act passed at the session held in the twenty-eighth year of Her Majesty's Reign, chapter fifty-nine, or any Act of this session amending the same, or to oblige or allow any person licensed, or to be licensed, under the said Act, chapter forty-one of the Consolidated Statutes for Upper Canada, or under the said Act, passed in the twenty-fourth year of Her Majesty's Reign, chapter one hundred and ten, or under the said Act, passed at the session held in the twenty-eighth year of Her Majesty's Reign, chapter fifty-nine, or such Act amending the same, to be registered under this Act; or otherwise to abridge, alter or affect any right, franchise, power or duty of any board, officer, licensed medical practitioner, or other person whatever, as existing, or to exist, under,

Certain provisions of law not to be affected by this Act.
Con. Stat. Can. c. 76.

Con. Stat. U. C. c. 41—26 V. c. 110—28 V. c. 59.
See c. 35.

Or to abridge rights of Homœopaths or Eclectics.

or

or from operation of, the said last mentioned Act, or any thereof.

Public Act.

37. This Act shall be deemed a Public Act.

SCHEDULE A.

1. License to practice physic, surgery and midwifery, or either, within Upper Canada, granted under the Acts of Upper Canada, fifty-ninth George Third, chapter thirteen, and eighth George Fourth, chapter three respectively.

2. License or diploma granted under the second Victoria, chapter thirty-eight, or under the fortieth chapter of the Consolidated Statutes for Upper Canada, or any Act amending the same.

3. License or authorization to practise physic, surgery and midwifery, or either, within Lower Canada, whether granted under the Ordinance twenty-eighth George Third, chapter eight, or under the Act tenth and eleventh Victoria, chapter twenty-six, and the Acts amending the same, or under chapter seventy-one of the Consolidated Statutes for Lower Canada, or any Act amending the same.

4. Certificate of qualification to practise medicine, surgery and midwifery, or either, hereafter to be granted by any of the colleges or boards named or referred to in section four of this Act.

5. Medical or surgical degree or diploma of any university in Her Majesty's dominions.

6. Diploma or License as a physician and surgeon from the Royal College of Physicians or the Royal College of Surgeons in London.

7. Certificate of registration under the Imperial Act twenty-first and twenty-second Victoria, chapter ninety, known as "The Medical Act," or any Act amending the same.

8. Commission or warrant as Physician or Surgeon in Her Majesty's Naval or Military services.

SCHEDULE B.

Name.	Residence.	Qualifications and Additions.
A. B. ..	Toronto Co. of York.	A. M., M. D., Toronto University.
C. D. ..	Kingston, County of Frontenac.....	A.M., M.D., Queen's University
E. F. ..	Etobicoke, Co. York.	Licentiate, Medical Board.
G. H. ..	Toronto.....	Do. Toronto School of Medicine.

SCHEDULE C.

1. Western and St. Clair Electoral Divisions as established for election of Members of the Legislative Council.

2. Malahide and Tecumseth Electoral Divisions as established for election of Members of the Legislative Council.

3. Saugeen and Brock Electoral Divisions as established for election of Members of the Legislative Council.

4. Gore and Thames Electoral Divisions as established for election of Members of the Legislative Council.

5. Erie and Niagara Electoral Divisions as established for election of Members of the Legislative Council.

6. Burlington and Home Electoral Divisions as established for election of Members of the Legislative Council.

7. Midland and York Electoral Divisions as established for election of Members of the Legislative Council.

8. Kings and Queens Electoral Divisions as established for election of Members of the Legislative Council.

9. Newcastle and Trent Electoral Divisions as established for election of Members of the Legislative Council.

10. Quinté and Cataraqui Electoral Divisions as established for election Members of the Legislative Council.

11. Bathurst and Rideau Electoral Divisions as established for election of Members of the Legislative Council.

12. St. Lawrence and Eastern Electoral Divisions as established for election of Members of the Legislative Council.

C A P . X X X V .

An Act supplementary to the Act of this Session intituled : *An Act to regulate the Qualification of Practitioners in Medicine and Surgery in Upper Canada.*

[Assented to 18th September, 1865.]

Preamble.
Errors in c. 34
recited.

WHEREAS certain errors have been discovered in the Act of this present Session of Parliament, intituled : *An Act to regulate the Qualification of Practitioners in Medicine and Surgery in Upper Canada*, and it is desirable to amend the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 35 corrected.

1. The thirty-fifth section is hereby amended by striking out the words "the passing of this Act" and substituting therefor the words "the first day of January next."

Sect. 36 corrected.

2. The thirty-sixth section is amended by substituting the word "twenty-fourth" for "twenty-sixth" in the fifth line thereof.

Cap. 34 limited to U. C.

3. The said Act shall apply only to Upper Canada.

Interpretation.

4. This Act shall be taken to form part of the said cited Act and shall be read and construed accordingly.

C A P . X X X V I .

An Act to amend and extend the provisions of the Act respecting Joint Stock Companies in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is advisable that the Act intituled : *An Act respecting Joint Stock Companies for the construction of roads and other works in Upper Canada*, should be further amended and extended, difficulties having arisen respecting the repairs of roads constructed under that Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Con. Stat. U.
C c. 49. s. 5
repealed.

1. Section five of chapter forty-nine of the Consolidated Statutes for Upper Canada is hereby repealed.

Sect. 25
amended.

2. Section twenty-five of the said Statute shall be amended by inserting after the word "aforesaid" in the tenth line thereof, the following words : "or in case the owners of such lands are under age."

3. Section twenty-eight of the said Statute shall be amended Sect. 28
amended. by adding the following words : "and in the case of infants or persons under age the amount shall be paid to his or her guardian or in case none has been appointed the same shall remain a charge against the Company to be paid over when such infancy shall cease."

4. Sections thirty-two, thirty-three and thirty-four of the said Sects. 32, 33,
34 amended :
and others
substituted. chapter forty-nine of the Consolidated Statutes for Upper Canada are hereby repealed except as to what has been done thereunder and the following sections substituted therefor :

"32. So often after the formation of any such Company as If the Directors
wish to improve
the Road, &c.,
and to increase
the capital. the Directors shall be of opinion that it is desirable to widen, extend or alter the projected line of road or to construct any side road to intersect the original main road, or to improve or repair any road or part thereof by substituting stone, gravel, plank or other suitable material, or that the original capital subscribed is not sufficient to complete the work, the Directors may, from time to time, by one or more resolutions passed by them for these purposes or any of them, widen, extend or alter the proper line of road, authorize the construction of such side roads and the making of such improvements and repairs, and the increase of the capital stock of such Company.

"33. And a copy of such resolutions certified under the hand Resolutions to
that effect to be
transmitted to
the Registrar,
&c. of the president and sealed with the seal of the Company shall be delivered to the registrar having the custody of the original instrument and resolutions (if any) already passed for similar purposes, who shall attach the same to such original instrument and note thereon the time of the day and the day of the month, and year of the receipt of the same; and the said Company shall thereupon, but subject to the acquired rights of any other Company then incorporated under this or any other Act, be subject to all such liabilities, and entitled to all such rights, powers and privileges in respect to the widening, extension and alteration of the said road as upon the incorporation thereof they were subject and entitled to in respect of the first line of road.

"34. Such resolutions, if for the increase of the capital stock What the reso-
lutions must
provide for. of such Company, shall declare the manner in which the same is to be increased, and the same may be increased by the issue of debentures signed by the president and countersigned by the treasurer bearing interest at six per cent. per annum or without interest which debentures may be sold on such terms as the said Directors may think fit to accept,) for sums not less in amount than one hundred dollars each, and not exceeding in the whole, including those, if any, already issued, one-half of the paid-up share capital at the time of issuing the same and by borrowing upon security of the Company by bond or mortgage of the road and tolls to be collected thereon, and by

authorizing the issuing of an additional number of shares, preferential or otherwise, or by any or either of these methods as to the said Directors may seem meet."

Sect. 74
amended.

Proviso : as to
Bridges under
municipal
control.

Proviso : as to
what shall be
a sufficient
completion of
the road within
the time limited
by this Act.

5. Section seventy-four of the said Act shall be amended by adding the following words thereto : " Provided that in case any bridge or bridges, whether under the jurisdiction of any municipal council or otherwise howsoever, shall intervene or form part of the line of such road, the same shall not be held to affect the rights of the Company under this section, reserving always the rights and obligations of the municipality or other owner thereof over such bridge or bridges ; Provided also that in case of Companies constructing plank roads the completion of the laying of the planks shall be deemed a compliance with the requirements of this Act for the purpose of erecting toll-gates, and it shall not be lawful for any inspecting engineer appointed as hereinafter provided to condemn any such road, except as regards the plank roadway until the expiry of eighteen months after the erection of toll-gates ; and such Companies shall be allowed eighteen months' exemption from the operation of the eighty-fifth section of the above recited Act as far as the completion of their ditches and side grading is concerned, to enable them to complete the same according to the plans and specifications of their works."

Sect. 87
repealed.
New provision.

No tolls to be
collected until
the County
Engineer or
other Engineer
appointed for
that purpose,
reports the re-
pairs made
sufficient.

6. The eighty-seventh section of the said Act shall be and the same is hereby repealed, and the following section is enacted and substituted therefor :

" 87. It shall be the duty of the said Company, as soon as and whenever the said road has been repaired in pursuance of the notice aforesaid, to give notice to the county engineer or other engineer appointed for the purpose aforesaid, that the required repairs have been done, whereupon the said county engineer or other engineer appointed for that purpose as aforesaid, shall forthwith inspect the said repairs, and report them sufficient or insufficient, as the case may be, to the Judge of the County Court of the County in which the said road is situated, and no tolls shall be taken or collected upon any such road until there shall be a report by the county engineer or other engineer appointed for the purpose aforesaid, to the Judge of the County Court of the County in which such road is situated, that the repairs made are sufficient."

Votes on shares
held by corpo-
rations.

7. Whenever a municipal corporation holds stock in a Joint Stock Company, and is by law entitled to vote for the election of Directors, and holds a controlling amount of the stock in such Company, such corporation shall only vote for and elect such number of Directors as will suffice to form a majority of the Board of Directors, and the stockholders, other than such corporation, shall elect the remainder or minority of such Directors.

8. For the protection of plank roads from the ravages of swine running at large, Joint Stock Companies are hereby authorized to impound all swine found running at large on plank roads owned by them, and the pound keepers of municipalities on the line of such roads are hereby required to receive such animals and are authorized to receive the usual fees, and in default of payment to sell the animals in the usual way notwithstanding that such animals may be free commoners under the by-laws of their municipalities.

Protection
against swine
running at
large.

9. It shall and may be lawful for any Company formed under the said Act by by-law to abandon any portion of their road, and after such abandonment the Municipal Council of any municipality within which such road or any part thereof lies, may assume such abandoned portion of such road lying within the municipality and have and exercise the same jurisdiction over the same, and be liable to the same duties as such Council has or is subject to, in respect to the public roads within its jurisdiction.

Company may
abandon any
part of their
road.

C A P . X X X V I I .

An Act further to amend the law respecting Mutual Insurance Companies in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to amend the Law relating to the Mutual Insurance Companies in Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. From and after the passing of this Act, so much of the Act respecting Mutual Insurance Companies in Upper Canada, or of any other Act as requires any Director of any such Company in Upper Canada to give any bond conditioned for the faithful discharge of the duties of the office of such Director, shall be and the same is hereby repealed.

Directors not
bound to give
security.

2. Every such Company may hold its annual meeting for the election of Directors at such time in each year as may appear most expedient to its Board of Directors ; and any law to the contrary is hereby repealed.

Annual meet-
ings may be
held at any
time.

3. No action or suit either at Law or in Equity shall be brought against such Company upon any policy or contract of insurance already granted or entered into or that may hereafter be granted or entered into by such Company after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, or in the event of

Actions for
losses to be
brought within
a certain time.

Saving clause.
Proviso.

of such loss or damage having happened before the passing of this Act, then within one year next after the passing of this Act, saving in all cases the rights of Parties under legal disability; Provided that in all future policies to be issued by such Company this Section shall be written or endorsed thereon.

In what Division Court, suits on premium notes may be brought.

4. Any suit cognizable in a Division Court, upon or for any premium or deposit note or notes or any sum assessed or to be assessed thereon, or upon or for any note or notes given or to be given for cash premiums of insurance to such Company or to any of the officers or agents thereof, may be entered and tried and determined in the Court for the Division wherein the head office of such Company is situate.

Policy to be void if payment on premium notes be not made within a certain time.

5. In case any note given or to be given for a cash premium of insurance to such Company or to any agent or officer thereof, or any sum that may hereafter be assessed upon a premium or deposit note given or to be given to such Company or to any agent or officer thereof shall remain in arrear and unpaid for thirty days after the same shall be payable, the policy of insurance held by the persons, in default shall thereupon become absolutely null and void; provided always that in such case such person shall remain liable to such Company for the amount so in arrear and unpaid; and provided further that it shall be lawful for the Directors of such Company, in their discretion, upon payment of such sum and on such terms and conditions as they shall think proper, to waive the said forfeiture of such policy, and thereupon the said policy and the premium or deposit notes shall again be in full force; Provided that in all future policies to be issued by such Company this section shall be written or endorsed thereon.

Proviso: party to remain liable.

Proviso: Company may waive forfeiture.

Proviso.

Con. Stat. U. C. c. 52 sect 43 amended.

6. Section forty-three of the said Act is hereby amended by inserting after the word "resignation" on the second line thereof the words "ceasing to have the necessary qualification under section thirty-eight, insolvency, or being four months continuously absent from Board Meetings without leave of the Board."

CAP. XXXVIII.

An Act to make further provisions for the management of Permanent Building Societies in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to make further provisions for the management of Permanent Building Societies in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Directors may close sub-

1. It shall be lawful for the Directors of any Permanent Building Society in Upper Canada, at any time and from time to

to time as they may think expedient, by resolution, to close for any specified time, or until further order, the subscription of shares to be held for investment in the Society, and thereafter, until the expiration of such specified time, or until such further order, no new shares shall be subscribed for investment in the Society; Provided always, that such new issue of shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions, but in case such new shares be not taken up within thirty days, then the said shares, or the remaining shares shall be sold, and any premium thereon applied to the general benefit of the Society.

scription of shares.

Provido.

2. It shall be lawful for the members entitled to vote, at any time by resolution to be passed at any special or general meeting, for which meeting, notice of such intended resolution shall have been duly given, according to the seventeenth section of chapter fifty-three of the Consolidated Statutes for Upper Canada, to determine that no new shares shall thereafter be subscribed for investment in any such Society; and thereafter no new shares for investment shall at any time be subscribed therein, and the subscription of such shares shall cease for ever.

Members may determine at a general or special meeting to close subscription of shares.

3. Nothing done under the preceding clauses of this Act shall have the effect of preventing any such society from creating, as it otherwise might, any share or shares to be immediately advanced to the subscriber or subscribers thereof, or of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from such Society by giving security therefor.

Shares to be immediately advanced excepted.

4. Any member entitled to vote at any meeting of any Permanent Building Society, held under the thirty-seventh section of chapter fifty-three of the Consolidated Statutes for Upper Canada, may be represented and vote at such meeting by his proxy, such proxy being a member of such Society.

Members may vote by proxy.

5. It shall be lawful at any general meeting, convened under section seventeen of the fifty-third chapter of the Consolidated Statutes for Upper Canada, for two-thirds of the shareholders there present in person, or by proxy, representing not less than one half the amount paid up on investing shares, to alter, repeal or amend any of the rules or by-laws of such Society.

Quorum of members for altering By-laws.

6. It shall be the duty of the Secretary or Treasurer, and the President or Vice-President of every such society, to make yearly returns, upon oath, to the Auditor of Public Accounts, of the affairs of such Society, in such manner as may be by him prescribed, stating therein the mode by which the assets of such Society are valued.

Yearly returns to the Auditor of Public Accounts.

Sect. 39 of c.
53, Con. Stat.
U. C. amended
as to paying up
shares in full.

As to borrow-
ing money.

Inconsistent
provisions
repealed.

7. The thirty-ninth section of chapter fifty-three, above mentioned, shall be amended by adding the following proviso thereto: "Provided always, that any share or shares may, at any time, be paid up in full and capitalized at once, as permanent stock, and any such share or shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription; Provided, also, that no such Society hereafter to be established shall borrow money or receive deposits until not less than one hundred thousand dollars of stock shall have been subscribed, and not less than forty thousand dollars shall have been actually paid thereon."

8. All provisions of all former Acts which may be inconsistent with this Act shall be held and taken to be by this Act amended, so far as may be necessary to render them consistent with this Act.

Vide Chap 55 Vie 29-30-
CAP. XXXIX.

An Act to impose a tax on Dogs, and to provide for
the better protection of Sheep in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Taxes imposed
on dogs in U.
C.

1. There shall be levied annually in every Municipality in Upper Canada, upon the owner of each Dog therein, an annual tax of one dollar for such animal.

Assessors to
ascertain
owners of dogs
and amount of
taxes.

2. The assessors of every Municipality, at the time of making their Annual Assessments, shall ascertain the number of dogs liable to be taxed, and shall enter in lists to be made by them, the name of every person in their respective Municipalities then owning or keeping any dog subject to the above tax, the number of dogs kept by such person, and the whole amount of tax to be paid by him.

Owners to give
the required
information.

3. The owner or possessor of every dog liable to such tax, shall, when required by the assessor, deliver him a description, in writing, of every such dog owned or possessed by him, and for every neglect or refusal to do so, and for every false statement made in any description so furnished, such owner or possessor shall incur a penalty of five dollars, to be recovered by the clerk of the municipality before any court of competent jurisdiction.

Penalty for
default.

Assessors to
give lists to the
Collectors who

4. The Assessors of every Municipality shall, within the time required by law for the completion of their assessment rolls of real and personal property, make out a duplicate of the
lists

lists so by them made, containing the names of the owners and possessors of dogs liable to taxation under this Act, with the amount payable by each person, and shall annex thereto a direction to the collector of the municipality to levy, raise and collect the several sums in such lists specified, of the persons respectively opposite to whose names the said sums shall be set, according to law, and pay over the same to the Clerk or Treasurer, as may be directed by the municipality; and such lists shall be signed by the assessors, and shall be by them immediately delivered to the collector.

are to collect the tax.

5. The collector to whom any such lists shall be delivered, shall proceed to the collection of the sums of money therein specified, in the same manner and with the like authority, in all respects, as in the collection of other taxes imposed in the municipality, and shall pay the same to the Clerk or Treasurer, as may be directed by the municipality; and the same remedies to compel such collection and the payment of the moneys collected may be had against such collectors and their sureties, as in the case of other taxes levied in the municipality.

Duty and powers of collector, the same as with respect to other taxes.

6. The moneys so collected and paid to the Clerk or Treasurer of any Municipality, shall constitute a fund for satisfying such damages as may arise in any year, from dogs killing or injuring sheep in such municipality, and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof.

Moneys collected to be a fund for paying damages done by dogs.

7. The owner or possessor of any dog that shall kill, wound or otherwise injure any sheep or lamb, shall be liable for the value of such sheep or lamb to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him, that his dog was mischievous or disposed to kill sheep.

Owner of dog killing sheep liable without notice.

8. The owner of any sheep or lamb that may be killed or injured by any dog, may apply to any two justices of the peace in the municipality, who shall enquire into the matter and view the sheep injured or killed, and may examine witnesses upon oath in relation thereto; and if such justices of the peace are satisfied that such sheep or lamb was killed or hurt only by dogs, and in no other way, they shall certify such fact, the number of the sheep or lambs killed or hurt, and the amount of the damages sustained thereby by the owner, together with the value of the sheep or lambs hurt or killed.

Two Justices may inquire concerning injury to sheep by dogs.

Their certificate.

9. Such certificate shall be *prima facie* evidence of the facts therein contained in any suit that may be brought by the party injured against the owner or possessor of any dog, if it shall appear on the trial of such suit that due notice was given to the owner of the dog of the intended application to the Justices of the Peace.

Certificate to be evidence in suit for damages.

If the party liable cannot be found or fail to pay.

Application to the Municipality.

10. If the party injured cannot discover the owner or possessor of the dogs by which such damage was done, or shall fail to recover the value of the sheep killed or injured from such owner or possessor, he may apply to the Clerk of the municipality, and upon production to him of the certificate of the Justices of the Peace, made as aforesaid, and the affidavit of the party injured that he has not been able to discover such owner or possessor, or that he has failed to recover the damages from such owner or possessor, such Clerk shall lay the same before the Municipal Council at its next meeting.

Municipal Council on due proof shall pay damages out of fund under Sec. 6.

11. The Municipal Council shall issue its order on the Treasurer for the amount of the damages appearing by the certificate of the Justices of the Peace, to have been sustained by the owner of any sheep killed or injured by dogs, when they shall be satisfied that the owner or possessor of such dogs cannot be discovered, or that the party injured has failed to recover such damages of such owner or possessor; and such amount shall be paid by the Treasurer from and out of the fund constituted by the sixth section of this Act, and from no other fund whatsoever.

Owner to repay the money if he afterwards recovers damages.

12. If, after receiving the amount of such damages from the Treasurer of the Municipality, the owner of the sheep so killed or injured, shall recover the value thereof, or any part of such value from the owner or possessor of any dog, he shall refund and repay to the Treasurer of the Municipality the sum so received from him, and it shall be the duty of the Clerk of the Municipality to bring an action against such owner to recover such amount, and such amount when recovered shall form part of the fund constituted by the sixth section of this Act.

Dogs seen chasing sheep may be killed.

13. Any person may kill any dog which he may see chasing, worrying or wounding any sheep, unless the same shall be done by the direction or permission of the owner of the sheep or of his servant.

Owner of such dog to kill him on notice.

14. The owner or possessor of any dog, to whom notice shall be given, of any injury done by his dog to any sheep, or of his dog having chased or worried any sheep, shall, within forty-eight hours after such notice, cause such dog to be killed; and for every neglect so to do, he shall forfeit a sum of two dollars and fifty cents, and a further sum of one dollar and twenty-five cents for every forty-eight hours thereafter, until such dog be killed; provided, that it shall be proved to the satisfaction of the Court, before which a suit shall be brought for the recovery of such penalties, that such dog has chased, worried or otherwise injured such sheep; and provided also, that no such penalties shall be enforced in case it shall appear to the satisfaction of such Court, that it was not in the power of such owner or possessor to kill such dog.

Penalty for default.

Proviso: as to proof of fact.

Proviso: if owner cannot kill his dog.

15. Upon complaint being made to the Clerk of any Municipality, of any penalties imposed by this Act having been incurred, he shall commence a suit for the recovery thereof, in his name of office, and shall prosecute the same with due diligence; and all moneys recovered shall be by him added to the fund constituted by the sixth section of this Act, for the satisfaction of damages sustained by owners of sheep.

Duty of Township Clerk to sue for penalties.

16. Every person in possession of any dog, or who shall suffer any dog to remain about his house or premises for the space of twenty days previous to the assessment of a tax, or previous to any injury, chasing or worrying of sheep or any such attack made by such dog, shall be deemed the owner of such dog for all the purposes of this Act.

Persons harbouring dogs, to be deemed owners thereof.

17. This Act shall apply only to Upper Canada.

Act limited to U. C.

C A P . X L .

An Act to prevent the spreading of Canada Thistles in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be the duty of every occupant of land in Upper Canada, to cut, or to cause to be cut down all the Canada thistles growing thereon, so often in each and every year as shall be sufficient to prevent them going to seed; and if any owner, possessor, or occupier of land shall knowingly suffer any Canada thistles to grow thereon and the seed to ripen so as to cause or endanger the spread thereof, he shall upon conviction be liable to a fine of not less than two nor more than ten dollars for every such offence.

Owners of land to cut down thistles growing on their lands.

Penalty.

2. It shall be the duty of the Overseers of Highways in any Municipality to see that the provisions of this Act are carried out within their respective highway divisions, by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective divisions, and every such overseer shall give notice in writing to the owner, possessor, or occupier of any land within the said division whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; And in case such owner, possessor or occupier, shall refuse or neglect to cut down the said Canada thistles, within the period aforesaid, the said Overseer of Highways shall enter upon the land and cause such Canada thistles to be cut down with as little damage

Duty of overseers of Highways under this Act.

proviso : as to lands sown with grain.

proviso : as to non-resident lands.

damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor; Provided that no such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain; provided also, that where such Canada thistles are growing upon non-resident lands, it shall not be necessary to give any notice before proceeding to cut down the same.

Clerks of Municipalities to warn Station Masters to cut down thistles on Railways.

Penalty.

3. It shall be the duty of the Clerk of any Municipality in which Railway property is situated, to give notice in writing to the Station Master of said Railway resident in or nearest to the said Municipality requiring him to cause all the Canada thistles growing upon the property of the said Railway Company within the limits of the said Municipality to be cut down as provided for in the first section of this Act, and in case such Station Master shall refuse or neglect to have the said Canada thistles cut down within ten days from the time of service of the said notice, then the Overseers of Highways of the said Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act.

Account of expenses to be kept by overseer.

If the owners refuse to pay.

proviso : appeal allowed.

4. Each Overseer of Highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act, with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor, or occupier of such resident lands, requiring him to pay the amount; in case such owner, possessor, or occupier of such resident lands shall refuse or neglect to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general purposes of the said Municipality; the said Overseer of Highways shall also present to the said Council a similar statement of the expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands; and the said Council is hereby authorized and empowered to audit and allow the same in like manner; Provided always that if any owner, occupant, or possessor, amenable under the provisions of this Act, shall deem such expense excessive, an appeal may be had to the said Council (if made within thirty days after delivery of such statement) and the said Council shall determine the matter in dispute.

How expenses shall be collected.

5. The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act,

Act, to be severally levied on the lands described in the statement of the Overseers of Highways, and to be collected in the same manner as other taxes; and the same when collected shall be paid into the Treasury of the said Corporation to reimburse the outlay therefrom aforesaid.

6. Any person who shall knowingly vend any grass or other seed among which there is any seed of the Canada thistle, shall for every such offence, upon conviction, be liable to a fine of not less than two nor more than ten dollars. Penalty on sale of any seed mixed with thistle seed.

7. Every Overseer of Highways or other officer who shall refuse or neglect to discharge the duties imposed on him by this Act, shall be liable to a fine of not less than ten nor more than twenty dollars. Penalty on overseer neglecting his duty.

8. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied, on conviction, before any Justice of the Peace; and all fines imposed shall be paid into the Treasury of the Municipality in which such conviction takes place. Recovery of penalties.

C A P. X L I.

An Act respecting the Civil Code of Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS the Commissioners appointed under the second Chapter of the Consolidated Statutes for Lower Canada, to codify the Laws of that division of the Province in Civil Matters, have completed that portion of their work mentioned in the said Act as the *Civil Code of Lower Canada*, embodying therein such provisions only as they hold to be now actually in force, and giving the authorities on which they believe them to be so, and have suggested such amendments as they think desirable, stating such amendments separately and distinctly, with the reasons on which they are founded; and have in all respects complied with the requirements of the said Act as regards the said Code and amendments; and whereas the said Code with the amendments suggested by the said Commissioners, has, by command of the Governor, been laid before the Legislature, in order that the said Code, with such amendments as may be adopted by the Legislature, may be made law by enactment; and whereas such of the amendments suggested by the commissioners, and such other amendments, as are mentioned in the resolutions contained in the Schedule hereunto annexed, have been finally agreed to by both Houses: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Canada, enacts as follows:

1. The printed roll attested as that of the said *Civil Code of Lower Canada*, under the signature of His Excellency the Governor Attested printed Roll of Civil

Code of Lower Canada to be deemed the original as to marginal notes, &c.

Governor General, that of the Clerk of the Legislative Council, and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof reported by the Commissioners as containing the existing law without amendment; but the marginal notes, and the references to existing laws or authorities at the foot of the several articles of the said Code, shall form no part thereof, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected.

Amendments to be incorporated by the Commissioners.

2. The Commissioners under the Act mentioned in the preamble of this Act, shall incorporate the amendments mentioned in the resolutions contained in the Schedule to this Act with the said Civil Code as contained in the roll aforesaid, adapting their form and language (when necessary) to those of the said Code, but without changing their effect, inserting them in their proper places, and striking out of the said Code any part thereof inconsistent with the said amendments.

Acts of present and now last sessions may also be incorporated.

3. The Governor may also select any Acts and parts of Acts passed during the session now last past and the present session, which he may deem it advisable to be incorporated with the said Code, and may cause them to be so incorporated by the said Commissioners, in the manner hereinbefore prescribed with respect to the amendments above mentioned, striking out of the Code or amendments any part thereof inconsistent with the Acts or parts of Acts incorporated therewith.

What changes the Commissioners may make.

4. The Commissioners may alter the numbering of the Titles and Articles of the said Code or their order, if need be, and make the necessary changes in any reference from one part of the Code to another, and may correct any misprint or error whether of commission or omission, or any contradiction or ambiguity in the original Roll, but without changing its effect.

Reprinting of Code as finally corrected.

5. So soon as the said work of incorporation and correction shall have been completed, the said Commissioners shall cause the Code to be reprinted as amended and corrected, carefully distinguishing in such reprint the substantive amendments and additions made in or to the original Roll, and shall submit the same to the Governor, who may cause a correct printed Roll thereof, attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof; any such marginal notes or references thereon as are mentioned in Section one, being held to form no part thereof, but to be inserted for convenience of reference only.

Deposit of attested copy as to marginal notes, &c.

Code to be brought into

6. The Governor in Council may after such deposit of the Roll last mentioned, declare by Proclamation the day on, from and

and after which the said Code as contained in the said Roll shall come into force and have effect as law, by the designation of "The Civil Code of Lower Canada," and upon, from and after such day the said Code shall be in force accordingly. force by Proclamation.

7. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Code, which shall be distributed in such numbers and to such persons only as the Governor in Council may direct. How to be distributed.

8. This Act and the Proclamation mentioned in section six, shall be printed with the copies of the said Code printed for distribution as aforesaid. This Act and the proclamation to be printed with the Code.

9. So much of the Act cited in the Preamble as may be inconsistent with this Act is hereby repealed. Inconsistent enactments repealed.

SCHEDULE.

RESOLUTIONS

Containing the amendments to be made in the printed Roll of the Civil Code of Lower Canada, and referred to in the foregoing Act.

BOOK III.

TITLE THIRD.

OF OBLIGATIONS.

RESOLVED—

1. That article 25 be struck out and the following inserted instead thereof:

25. A minor is not relievable from the stipulations contained in his marriage contract, when they have been made with the consent and assistance of those whose consent is required for the validity of his marriage.

2. That article 29 be struck out and the following inserted instead thereof:

29. When all the formalities required with respect to minors or interdicted persons for the alienation of immoveable property, or the partition of a succession, have been observed, such contracts and acts have the same force and effect as if they had

had been executed by persons of the age of majority and free from interdiction.

3. That article 31 be struck out and the following inserted instead thereof :

31. Persons of the age of majority are not entitled to relief from their contracts for cause of lesion only.

4. That article 44 be struck out and the following inserted instead thereof :

44. A contract for the alienation of a thing certain and determinate makes the purchaser owner of the thing by the consent alone of the parties, although no delivery be made.

The foregoing rule is subject to the special provisions contained in this code concerning the transfer and registry of vessels.

The safe-keeping and risk of the thing before delivery are subject to the general rules contained in the chapters *Of the effect of obligations* and *Of the extinction of obligations* in this title.

5. That after article 45 the following be inserted :

46. (42.) The rules contained in the two last preceding articles, apply as well to third persons as to the contracting parties in contracts for the transfer of immoveable property, subject to the special provisions contained in this code for the registration of titles to and claims upon such property.

But if a party oblige himself successively to two persons to deliver to each of them a thing which is purely moveable property, that one of the two who has been put in actual possession is preferred and remains owner of the thing, although his title be posterior in date ; provided, however, that his possession be in good faith.

6. That after article 58, the following be inserted :

60. (65.) No contract or payment can be avoided by reason of any thing contained in this section, at the suit of any individual creditor, unless such suit be brought within one year from the time of his obtaining a knowledge thereof.

If the suit be by assignees or other representatives of the creditors collectively, it must be brought within a year from the time of their appointment ;

7. That article 67 be struck out and the following inserted instead thereof :

67. He who receives what is not due to him, through error of law or of fact, is bound to restore it ; or if it cannot be restored in kind, to give the value of it.

If the person receiving be in good faith, he is not obliged to restore the profits of the thing received.

8. That article 84 be struck out and the following inserted instead thereof :

84. The obligation to keep the thing safely obliges the person charged therewith to keep it with all the care of a prudent administrator.

9. That after article 88, the following be inserted :

89. (95.) In all contracts of a commercial nature in which the time of performance is fixed, the debtor is put in default by the mere lapse of such time.

10. That article 96 be struck out and the following inserted instead thereof :

96. When it is stipulated that a certain sum shall be paid for damages for the inexecution of an obligation, such sum and no other, either greater or less, shall be allowed to the creditor for such damages.

But if the obligation have been performed in part, to the benefit of the creditor and the time for its complete performance be not material, the stipulated sum may be reduced ; unless there be a special agreement to the contrary.

11. That article 121 be struck out and the following inserted instead thereof :

121. The debtor has the option of paying to either of the joint and several creditors, so long as he is not prevented by a suit instituted by one of them.

Nevertheless, if one of the creditors release the debt, the debtor is discharged for the part only of such creditor. The same rule applies to all cases in which the debt is extinguished otherwise than by actual payment ; subject to the rules applicable to commercial partnerships.

12. That article 135 be struck out and the following inserted instead thereof :

135. The creditor who receives separately and without reserve the share of one of the codebtors in the arrears or interest of the debt, loses his joint and several right only for the arrears and interests accrued, and not for those which may in future accrue, nor for the capital, unless the separate payment have been continued during ten consecutive years.

13. That article 142 be struck out and the following inserted instead thereof :

142. The rule established in the last preceding article is subject to exception with respect to the heirs and legal representatives of the debtor, and the obligation must be performed as if it were indivisible, in the three following cases :

1. When the object of the obligation is a certain specific thing of which one of them is in possession ;

2. When one of them alone is charged by the title with the performance of the obligation ;

3. When it results either from the nature of the contract or of the thing which is the object of it, or from the end proposed by it, that the intention of the contracting parties was that the obligation should not be performed in parts.

In the first case, he who possesses the thing due,—in the second case, he who is alone charged,—and in the third case, each of the coheirs or legal representatives, may be sued for the whole thing due; saving in all cases the recourse of the one sued against the others.

14. That article 154 be struck out and the following inserted instead thereof :

154. The amount of the penalty cannot be reduced by the court.

But if the obligation have been performed in part to the benefit of the creditor, and the time fixed for its complete performance be not material, the penalty may be reduced; unless there be a special agreement to the contrary.

15. That article 168 be struck out and the following inserted instead thereof :

168. A debtor cannot compel his creditor to receive payment of his debt in parts, even if the debt be divisible.

Nor can the court in any case by its judgment order a debt actually payable to be paid by instalments without the consent of the creditor.

16. That article 174 be struck out and the following inserted instead thereof :

174. Subrogation is conventional :

1. When the creditor, on receiving payment from a third person, subrogates him in all his rights against the debtor. This subrogation must be express and made at the same time as the payment.

2. When the debtor borrows a sum for the purpose of paying his debt, and of subrogating the lender in the rights of the creditor. It is necessary to the validity of the subrogation in this case, that the act of loan and the acquittance be notarial or be executed before two subscribing witnesses; that in the act of loan it be declared that the sum has been borrowed for the purpose of paying the debt, and that in the acquittance it be declared that the payment has been made with the moneys furnished by the new creditor for that purpose. This subrogation takes effect without the consent of the creditor.

If the act of loan and the acquittance be executed before witnesses, the subrogation takes effect against third persons from the date only of their registration, which is to be made in the manner and according to the rules provided by law for the registration of hypothecs.

17. That article 175 be struck out and the following inserted instead thereof :

175. Subrogation takes place by the sole operation of law and without demand :

1. In favor of a creditor who pays another creditor whose claim is preferable to his by reason of privilege or hypothec;

2. In favor of the purchaser of immoveable property who pays a creditor to whom the property is hypothecated;

3. In favor of a party who pays a debt for which he is held with others or for others, and has an interest in paying it;

4. In favor of a beneficiary heir who pays a debt of the succession with his own moneys;

5. When a rent or debt due by one consort alone has been redeemed or paid with the moneys of the community; in this case the other consort is subrogated in the rights of the creditor according to the share of such consort in the community.

18. That after article 182, the following be inserted:

183. (193a.) If, by the terms of the obligation or by law, payment is to be made at the domicile of the debtor, a notification in writing by him to the creditor that he is ready to make payment has the same effect as an actual tender, provided that in any action afterwards brought the debtor make proof that he had the money or thing due ready for the payment at the time and place when and where the same was payable.

19. That article 205 be struck out and the following inserted instead thereof:

205. That which the creditor receives from a surety as a consideration for releasing him from his suretyship is not to be imputed in discharge of the principal debtor, or of the other sureties, except, as regards the latter, in cases in which they have a recourse upon the one released, and to the extent of such recourse.

20. That article 227 be struck out and the following inserted instead thereof:

227. A notarial instrument received before one notary is authentic, if signed by all the parties.

If the parties or any one of them be unable to sign, it is necessary to the authenticity of the instrument that it be received before one notary in the actual presence of another subscribing notary or of a subscribing witness.

The witnesses must be males, not less than twenty-one years of age, of sound mind, not related to either of the parties within the degree of cousin-german, without interest in the instrument, not civilly dead, and not deemed infamous by law. Aliens may act as such witnesses.

This article is subject to the provisions contained in the next following article, and to those relating to wills.

21. That article 240 be struck out and the following inserted instead thereof:

240. A writing which is not authentic by reason of any defect of form, or of the incompetency of the officer, avails as a private writing, if it have been signed by all the parties;

saving the provisions contained in article 146 of the title *Of gifts inter vivos and by will*.

22. That paragraph 2, of article 252 be struck out and the following inserted instead thereof :

2. In all matters in which the principal sum of money or value in question does not exceed fifty dollars.

23. That article 254 be struck out and the following inserted instead thereof :

254. In commercial matters in which the sum of money or value in question exceeds fifty dollars, no action or exception can be maintained against any party or his representatives unless there be a writing signed by the former, in the following cases :

1. Upon any promise or acknowledgment whereby a debt is taken out of the operation of the law respecting the limitation of actions ;

2. Upon any promise or ratification made by a person of the age of majority of any obligation contracted during his minority ;

3. Upon any representation or assurance in favor of a person to enable him to obtain credit, money or goods thereupon ;

4. Upon any contract for the sale of goods, unless the buyer have accepted or received part of the goods or given something in earnest to bind the bargain ;

The foregoing rule applies, although the goods be intended to be delivered at some future time or are not at the time of the contract ready for delivery.

24. That article 255 be struck out and the following inserted instead thereof :

255. In any action for the recovery of a sum which does not exceed fifty dollars, proof by testimony cannot be received if such sum be a balance or make part of a debt under a contract which cannot be proved by testimony.

The creditor may, nevertheless, prove by testimony a promise made by the debtor to pay such balance, when it does not exceed fifty dollars.

25. That article 256 be struck out and the following inserted instead thereof :

256. If in the same action several sums be demanded which united form a sum exceeding fifty dollars, proof by testimony may be received, if the debts have arisen from different causes or have been contracted at different times, and each were originally for a sum less than fifty dollars.

26. That paragraph 1 of article 272 be struck out and the following inserted instead thereof :

1. If offered by one of joint and several creditors to the debtor, it avails the latter for the part only of such creditor subject,

subject, nevertheless, to the special rules applicable to commercial partnerships.

BOOK FIRST.

TITLE FIRST.

OF THE ENJOYMENT AND LOSS OF CIVIL RIGHTS.

RESOLVED :—

27. That article 14 be struck out, and the following be inserted instead thereof :

14. Civil rights are lost :

1. In the cases provided for by the laws of the British Empire ;
2. By civil death.

28. That article 15 be struck out.

29. That article 17 be struck out, and the following inserted instead thereof :

17. Civil death results from condemnation to certain corporal punishments.

30. That article 20 be worded as follows :

20. The disabilities which result as regards persons professing the Catholic religion, from religious profession by solemn and perpetual vows, made by such persons, in a religious community recognized at the time of the cession of Canada to England, and subsequently approved, remain subject to the laws by which they were governed at that period.

TITLE SECOND.

OF ACTS OF CIVIL STATUS.

RESOLVED :—

31. That articles 33a and 33b be omitted.

32. That after article 33c, the following be inserted :

33d. These registers are numbered and initialed like the other registers of civil status, and the acts are inscribed therein in the manner prescribed in article six of the present title.

33. That after article 43a, the following be inserted :

43b. If an act which ought to have been inserted in the register be entirely omitted, the same court may, at the instance of one of the parties interested, the other being called, order that such omission be supplied, and the judgment so ordering, is inscribed on the margin of the said register, at the place where the act so omitted ought to have been entered, and if there

there be no margin, then on a sheet of paper which remains annexed thereto.

TITLE FOURTH.

OF ABSENTEES.

RESOLVED :—

34. That article 9 be struck out and the following inserted instead thereof:

9. Whenever a person has ceased to appear at his domicile or place of residence, and has not been heard of for a period of five years, his presumptive heirs at the time of his departure or of the latest intelligence received, may obtain from the court provisional possession of his property, on giving security for their due administration.

35. That after article 13 the following be inserted :

14. Those who have obtained provisional possession must likewise have the immoveable property visited by skilled persons for the purpose of ascertaining its condition. Their report is homologated by the court, and the costs are paid out of the absentee's property.

TITLE FIFTH.

OF MARRIAGE.

RESOLVED :—

36. That after article 16a, the following be inserted :

16b. If this last domicile be out of Lower Canada, and the publications have not been made there, the officer who, in that case, celebrates the marriage, is bound to ascertain that there is no legal impediment between the parties.

37. That after article 24, the following be inserted :

25. If a party about to be married, being of the age of majority, be insane, and not interdicted, the following persons may oppose the marriage in the following order :

1. His father, and in his default, his mother ;

2. In default of both father and mother, his grandfathers and grandmothers ;

3. In default of the latter, his brothers or sisters, uncles or aunts, or cousins-germain, of the age of majority ;

4. In default of all the above, those related or allied to such party who are qualified to take part in the meeting of a family council, which should be consulted as to his interdiction.

38. That after article 26, the following be inserted :

27. Whatever may be the quality of the opposant, it is his duty to adopt and follow up the formalities and proceedings necessary to have his opposition brought before the court and decided within the legal delays, any demand for its dismissal
not

not being required ; in default of his so doing, the opposition is regarded as never having been made, and the marriage ceremony is proceeded with, notwithstanding.

39. That after article 33, the following be inserted :

34. In the cases of the preceding article, the party who has continued cohabitation during six months after having acquired full liberty or become aware of the error, cannot seek the nullity of the marriage.

40. That after article 35, the following be inserted :

36. In the cases of the three preceding articles, an action for annulling marriage cannot be brought by the husband or wife, tutor or curator, or by the relations whose consent is required, if the marriage have been either expressly or tacitly approved of by those whose consent was necessary ; nor if six months have been allowed to elapse without complaint on their part, since they became aware that the marriage had taken place.

41. That after article 42, the following be inserted :

43. If the publications required were not made, or their omission supplied by means of a dispensation or license, or if the legal or usual intervals for the publications or the celebration have not elapsed, the officer celebrating the marriage under such circumstances is liable to a penalty not exceeding five hundred dollars.

42. That after article 43, the following be inserted :

44. The penalty imposed by the preceding article is in like manner incurred by any officer who, in the execution of the duty imposed upon him, or which he has undertaken, touching the celebration of a marriage, contravenes the rules prescribed, in this respect, by the different articles of the present title.

TITLE SIXTH.

OF SEPARATION FROM BED AND BOARD.

RESOLVED :—

43. That after article 18a, the following be inserted :

19. If the wife leave the place of residence assigned to her without the permission of the court or judge, the husband may claim to be liberated from the payment of the alimentary pension, and even have her action dismissed, saving her recourse, should she refuse to obey the order given her to return within a given delay to the place she has thus quitted.

44. That after article 25 the following be inserted :

26. The separation renders the wife capable of suing and being sued, and of contracting alone, for all that regards the administration

administration of her property ; but for all acts and suits tending to alienate her immoveable property, she requires the authorization of a judge.

TITLE SEVENTH

OF FILIATION.

RESOLVED :—

45. That after article 5, the three following be inserted :

7. In all the cases where the husband may disown the child, he must do so :

1. Within two months, if he be in the place at the time of the birth ;

2. Within two months after his return, if absent at the time of the birth ;

3. Within two months of the discovery of the fraud if the birth have been concealed from him.

8. If the husband die before disowning the child, but still being within the delay allowed for so doing, the heirs have two months to contest the legitimacy of the child from the time he has taken possession of the property of the husband, or from the time that the heirs have been disturbed by him in their possession.

9. Such disavowal, on the part of the husband or of his heirs, must be made by an action at law, directed against the tutor, or tutor *ad hoc*, appointed to the child, if he be a minor ; and the mother, if living, must be made a party to the action.

TITLE NINTH.

OF MINORITY, TUTORSHIP AND EMANCIPATION.

RESOLVED :—

46. That article 33 be struck out and the following inserted instead thereof :

33. Two tutorships are, for any person, a sufficient reason for refusing to accept a third, other than that of his children. A husband or father, who is already charged with one tutorship, is not bound to accept a second, unless it be that of his own children.

47. That article 60 be struck out and the following inserted instead thereof :

60. The tutor cannot accept or renounce a succession, which falls to the minor, without the previous authorization of the judge, on the advice of a family council. The acceptance can only be made under benefit of inventory. Accompanied by these formalities the acceptance or renunciation has the same effect as if made by a person of age.

48. That after article 60, the following be inserted :

61. In any case where a succession renounced in the name of a minor has not been accepted by any one else, it may be afterwards accepted either by the tutor authorized by the judge, on the advice of a family council consulted anew, or by the minor become of age ; but it is so taken in the state in which it is then, and the sales or other acts legally made during the vacancy cannot be questioned.

49. That article 63a be struck out and the following inserted instead thereof :

63a. Actions belonging to a minor are brought in the name of his tutor, except those for wages, which minors when of the age of fourteen years may bring alone to the amount of fifty dollars.

No action brought by a tutor can be maintained unless he show that the act of tutorship has been registered.

50. That after the article 65 the following be inserted :

65a. A tutor cannot transact in the name of the minor, until he is authorized by the court, by the judge or the prothonotary on the advice of a family council. Accompanied by these formalities, transaction has the same effect as if made with a person of age.

51. That article 77 be struck out and the following inserted instead thereof :

77. An emancipated minor may grant leases, for terms not exceeding nine years ; he may receive his revenues, give receipts therefor, and perform all acts of mere administration. He is not relieviable from these acts, except in cases where persons of age would be so.

TITLE TENTH.

OF MAJORITY, INTERDICTION, CURATORSHIP AND OF JUDICIAL ADVISERS.

RESOLVED :—

52. That after article 17, the following be inserted :

17a. No one, with the exception of husband and wife, and ascendants and descendants, is obliged to retain the curatorship of an interdicted person for more than ten years ; at the expiration of that time, the curator may demand and has a right to be replaced by another.

BOOK SECOND.

TITLE FIRST.

OF THE DISTINCTION OF THINGS.

RESOLVED :—

53. That after article 15 the following be inserted :

16. Constituted rents and all other perpetual or life-rents, are also moveable by determination of law; saving those resulting from emphyteusis which are immoveable.

54. That after article 19 *bis*, the following be inserted :

20a. Where the sum for which the redemption of rents, other than life-rents, may take place, is neither fixed by law nor validly agreed upon, the rents are redeemed by the repayment of the original price in capital, or of the value in money put by the parties upon the things which formed the consideration of the rents so created. If such price or such value do not appear, the redemption is effected by the payment of a sum sufficient to produce a like rent for the future, at the legal rate of interest at the time of the redemption.

Special provisions concerning the redemption of the rents substituted for seigniorial rights, are contained in chapter forty-one of the Consolidated Statutes for Lower Canada."

20b. Life-rents and other temporary rents, at the termination of which no reimbursement of the capital is to take place, are not redeemable at the option of either of the parties alone.

In the twelfth title of the third book, a mode is provided for the redemption of life-rents, when it takes place forcibly under writ.

Temporary rents, other than life-rents, and not subject to reimbursement of the capital, are estimated in like cases, in the same manner as life-rents.

TITLE SECOND.

OF OWNERSHIP.

RESOLVED :—

55. That article 16 be struck out and the following inserted instead thereof:

16a. If a river or stream, whether navigable or not, carry away by sudden force a considerable and distinguishable part of an adjacent field and bear it towards a lower or opposite bank, the proprietor of the part carried away may reclaim it; but he is obliged, on pain of forfeiting his right, to do so within a year, to be reckoned from the possession taken of it by the proprietor of the land to which it has been united.

TITLE FOURTH.

OF REAL SERVITUDES.

RESOLVED :—

56. That article 16 be struck out and the following inserted instead thereof :

16a. Every coproprietor may build against a common wall and place therein joists or beams, to within four inches of the whole thickness of the wall, without prejudice to the right which the neighbour has to force him to reduce the beam to the half thickness of the wall in case he should himself desire to put beams in the same place or to build a chimney against it.

57. That after article 22a the following be inserted :

23. When the different stories of a house belong to different proprietors, if their titles do not regulate the mode of repairing and rebuilding, it must be done as follows :

All the proprietors contribute to the main walls and the roof, each in proportion to the value of the story which belongs to him ;

The proprietor of each story makes the floor under him ;

The proprietor of the first story makes the stairs which lead to it ; the proprietor of the second story makes the stairs which lead from the first to his, and so on.

58. That article 34 be struck out and the following inserted instead thereof :

31a. The following provisions are established for incorporated cities and towns :

1. He who wishes to have a well near the common wall or that belonging to his neighbour, must make a counter-wall of masonry one foot thick ;

2. He who wishes to have a privy near such walls must make a counter-wall of the same kind fifteen inches thick ;

If however there be a well opposite on the neighbouring property the thickness must be twenty-one inches ;

3. When the well or privy is at the distance from the wall determined by municipal regulations and by established and recognized usage, such counter-wall is no longer required. If there be no such regulations or usage the distance is three feet ;

4. He who wishes to have a chimney, hearth or stable, or a store for salt or other corrosive material, near the common wall or the wall belonging to his neighbour, or to raise the ground or heap rubbish against it, is obliged to make a counter-wall or other work, the sufficiency of which is determined by municipal regulations, by established and recognized usage, and, in default of any such, by the courts in each case ;

5. He who wishes to have an oven, forge or furnace, must leave a vacant space of six inches between his own wall and the common wall or that of his neighbour.

59. That after article 34a the following be inserted :

37. The preceding article is substituted for the provisions of anterior laws on the subjects it embraces, which provisions are repealed in so far as they establish contrary rules, and fix different measures and distances in the same cases.

TITLE FIFTH.

OF EMPHYTEUSIS.

RESOLVED :—

60. That article 5 be struck out.

61. That article 6 be struck out and the following inserted instead thereof :

6. Immoveables held under emphyteusis may be seized as real property, under execution against the lessee by his creditors, who may bring them to sale with the formalities of a sheriff's sale.

TITLE NINETEENTH.

OF PRESCRIPTION.

RESOLVED :—

62. That article 8 be struck out and the two following inserted instead thereof :

8a. As regards moveables and personal actions, including bills of exchange and promissory notes, and in commercial matters in general, may be invoked separately or together :

1. Any prescription entirely acquired under a different law when the cause of action did not arise in Lower Canada, or it was not stipulated that the debt should be paid there, and when such prescription has been so acquired before the possessor or the debtor had his domicile there.

2. Any prescription entirely acquired in Lower Canada, from the date of the obligation falling due, when the cause of action arose there or it was stipulated that the debt should be payable there, or the debtor had his domicile there at the time of its falling due ; and in other cases from the date of the acquisition of such domicile by the debtor or possessor.

3. Any prescription resulting from the lapse of successive periods in the cases of the two preceding paragraphs when the time elapsed under the different law has preceded.

9a. Prescriptions which have commenced to run according to the laws of Lower Canada, terminate according to the same laws, without prejudice to the right of invoking those acquired previously under a different law, or by the reunion of time according to both, conformably to the preceding article.

63. That article 10 be struck out.

64. That article 17 be struck out and the following inserted instead thereof :

17a. In case of violence or clandestinity, possession which avails for prescription begins when the defect has ceased.

Nevertheless the thief, his heirs and successors by universal title, cannot prescribe the thing stolen by any length of time.

The successors by particular title do not suffer from these defects in the possession of another, in so far as regards their own possession which has been peaceful and public.

65. That article 21 be struck out and the following inserted instead thereof :

21a. Good faith is always presumed.

He who alleges bad faith must prove it.

66. That article 25 be struck out and the following inserted instead thereof :

25a. Third parties acquiring in good faith, with a title of a nature to transfer property, coming either from the precarious possessor or one subject to a superior domain, or from any other, may prescribe by ten years against the proprietor during the dismemberment or the precarious detention.

Third parties may also prescribe against the proprietor during the dismemberment or the precarious detention, by thirty years with or without title.

67. That article 26 be struck out and the following inserted instead thereof :

26a. In cases of substitution prescription does not take place against the substitute, before the opening of the right, in favor of the person charged, nor of his heirs or successors by universal title.

Prescription runs against the substitute, before the opening of the right, in favor of the third parties, unless he be protected as a minor, or otherwise.

The substitute, against whom this prescription runs, has the benefit of the action of interruption.

The possession of the institute avails the substitute, for the purposes of prescription.

Prescription runs against the institute during the time of his possession and in his favor against third parties.

After the opening, prescription may begin to run in favor of the institute and of his heirs and successors by universal title.

68. That articles 39, 40, 41, 42, be struck out and the following inserted instead thereof :

39a. The acquisitive prescription of corporeal immoveable property not being sacred property, and the liberative prescription which refers to the principal of rents and dues, to legacies, to the rights of hypothec, take place against the church by thirty

thirty years, in the same manner and according to the same rules as against private persons.

Nevertheless purchasers with title and good faith prescribe against the church by ten years as well for acquisition as for liberation in the same way as between private persons.

The acquisitive prescription of corporeal moveables not being sacred, and the other liberative prescriptions, including that of the capital sums, take place against the church as between private persons.

69. That article 64 be struck out and the following inserted instead thereof :

64a. Prescription runs against all persons, unless they be included in some exception established by this code, or unless it be absolutely impossible for them in law or in fact to act by themselves or to be represented by others.

Saving what is declared in the article 121 of this title, prescription does not run, even in favor of third parties purchasing, against those who are not born, nor against minors, idiots madmen or insane persons, with or without tutors or curators. Those to whom a judicial counsel is given, and he who is interdicted for prodigality do not enjoy this privilege.

Prescription runs against absentees as against those present and by the same lapse of time, saving what is declared as to the person put in possession of the estate of an absentee.

70. That article 78 be struck out and the following inserted instead thereof :

78a. Prescription is reckoned by days and not by hours.

Prescription is acquired when the last day of the term is accomplished ; the day on which it commenced is not counted.

71. That article 80 *quater* be struck out and the following inserted instead thereof :

80a. The prescription of thirty years, has, in all prescriptible cases, the same effects as that of a hundred years or of the immemorial prescription, as well for the right, as to cover the defects of title, informalities and want of good faith. What is not prescriptible by thirty years cannot be prescribed either by a hundred years or by any longer space of time.

72. That article 81 be struck out and the following inserted instead thereof :

81a. The possession of a thing or of a right, retained or commenced before the accomplishment of the prescription against him, by any one claiming to be proprietor, preserves for the possessor, as his defence against revendication, the grounds of nullity and the other exceptions which attack the principle of the right pretended against him, or which have destroyed it, notwithstanding the lapse of the time by which the direct action with respect to them is prescribed.

The defendant in every personal action, which continues to exist against him, may also plead, in so far as they apply, the peremptory exceptions which are connected with the demand and which refer to the time it includes, although the time by which the direct action is prescribed has elapsed.

The present article does not apply to the exception which is not connected with the action, or which has not extinguished it of right. Thus compensation can only be set up after the time fixed for prescription, if such compensation has had its effect before its cause was prescribed. It is for him who excepts to establish that his right in regard to the action has applied in his favor or in that of another whom he represents, within the required time and without any acquired prescription then having prevented it.

Under the modifications which precede, compensation, by means of a commercial debt, may also be offered hereafter after the time allowed for prescription.

The adoption of the means offered in defence does not revive the direct action once prescribed.

73. That article 85*a* be struck out and the following inserted instead thereof :

85*b*. The term joined by law or by stipulation to the right of redemption is absolute without prescription being required.

It is the same as to the term for exercising the right of the vendor to take back the immoveable, by reason of the price not having been paid.

The right to redeem rents comes from the law ; it is imprescriptible.

74. That articles 88*a*, 89 and 90, be struck out and the following inserted instead thereof :

88*b*. With the exception of what is due to the crown, the arrears of rents, including life rents, the arrears of interest, of leases of houses and lands, and generally all arrears of fruits natural and civil are prescribed by five years.

This provision applies to what comes from the emphyteutic lease or other immoveable right, even where there is privilege or hypothec.

The prescription of arrears runs although the principal be imprescriptible on account of its precarious possession.

Prescription of the principal carries with it that of the arrears.

75. That articles 92 and 93 be struck out and the following inserted instead thereof :

92*a*. He who acquires a corporeal immoveable in good faith and with title, prescribes the property and liberates himself from the servitudes, charges and hypothecs by an effective possession in virtue of such title during ten years.

76. That article 94 be struck out and the following inserted instead thereof :

94a. The third party purchasing with title and in good faith dues or rents acquires the capital by prescription of ten years, by means of an enjoyment exempt from defects, against the creditor who has entirely ceased to enjoy and neglected to act during the required time.

77. That article 96 be struck out and the following inserted instead thereof :

96a. The title which is null from informality cannot serve as a ground for the prescription of ten years.

78. That article 97 be struck out and the following inserted instead thereof :

97a. After the renunciation or the interruption in the prescription of ten years, the prescription of thirty years alone can avail.

79. That article 99 be struck out and the following inserted instead thereof :

99a. The prescription of ten years and the others less than that of thirty years may be invoked separately with this last against the same demand.

80. That article 100 be struck out and the following inserted instead thereof :

100a. In the cases where the prescription of ten years can run, each new holder of an immoveable property burthened with a servitude, charge or hypothec, may be obliged to furnish a new title at his own cost.

81. That article 101 be struck out and the following inserted instead thereof :

101a. The action in restitution of minors for lesion, and that in rescission of contracts for error, fraud, violence or fear are prescribed by ten years.

The time runs in the case of violence or fear from the day they ceased ; and in case of error or fraud from the day they were discovered.

This time only runs with regard to interdicted persons from the day the interdiction is removed, except for the prodigal or him to whom a judicial counsel has been given. It does not run against idiots, madmen and insane persons although not interdicted. It runs against minors only from their majority.

82. That article 103*bis* be struck out and the following inserted instead thereof :

103a. The civil action for bodily injuries, if the case be not otherwise provided for by a special law, is prescribed by one year. That for seduction and the expenses of lying-in is prescribed by the two years. These prescriptions are absolute.

83. That article 104 be amended by substituting *one year* instead of *two years* for the prescription of the actions of house or farm servants and merchants' clerks.

84. That article 105 be struck out and the following inserted instead thereof :

105a. The action of hotel and boarding-house keepers is prescribed by one year.

85. That article 109 be struck out and the following inserted instead thereof :

109a. Prescription is acquired by five years against notaries, advocates and attorneys and against all officers of justice, for their fees, emoluments, services and disbursements, to be reckoned from the final judgment in each case as to advocates and attorneys, and as to the others to be reckoned from the time the payment is exigible.

The oath of the debtor as to the fact of payment may be offered or deferred in those cases, as in all others.

86. That article 110 be struck out and the following inserted instead thereof :

110a. The action against notaries, advocates, attorneys and other officers of justice or depositaries, in virtue of their office, for the remission of papers and titles, is prescribed by five years, to be reckoned from their reception or from the end of the procedure in which they have been used.

87. That articles 111 and 112 be struck out and the following inserted instead thereof :

111a. As to inland and foreign bills of exchange, and promissory notes whether negotiable or not, and in general as to all actions of a commercial nature, prescription is acquired by five years.

Sales of moveable effects made by a trader to one who is not, or by the latter to a trader, are reputed commercial matters and fall within the present article.

Prescription of a note payable on demand runs from its date.

Bank notes are not subject to this article.

88. That after article 111a the following be inserted :

111b. Actions arising from sales of moveable effects between persons not traders, although not being commercial matters, are subject hereafter to a prescription of five years.

89. That articles 106 and 107 be struck out and the following inserted instead thereof :

111c. The action of tutors and teachers for instruction and also for board and lodging furnished by them ; that of workmen paid by wages, not reputed domestics, and whose engagement is for a year or more is prescribed by two years ; the action for hire of labour or for price of work either manual, professional

or intellectual, and for the materials furnished, when the prescription is not otherwise provided for by this code, is prescribed by five years, whether the cause or the subject be commercial or not.

90. That after article 111c the following be inserted :

111d. Actions of damages for offences and quasi-offences are prescribed by two years, if there be no other provision applicable.

91. That article 113 be struck out and the following inserted instead thereof :

113a. After the renunciation or the interruption, except as to the prescription of ten years in favor of third parties, prescription commences to run for the same time as before, if there be no novation, saving the rule contained in the following article.

92. That articles 116 and 117 be struck out and an article inserted instead thereof, declaring prescriptions absolute, as a general rule.

93. That article 119b be struck out and the following inserted instead thereof :

119c. Actual possession of a corporeal moveable, as proprietor, creates a presumption of lawful title. Any party claiming such moveable must prove, besides his own right, the defects in the possession or in the title of the possessor who claims prescription, or who, under the provisions of the present article, is exempt from doing so.

Prescription of corporeal moveables takes place after the lapse of three years, reckoning from the loss of possession, in favor of possessors in good faith, even when the loss of possession has been occasioned by theft.

This prescription is not, however, necessary to prevent revendication, if the thing have been bought in good faith in a fair or market, or at a public sale, or from a trader dealing in similar articles, nor in commercial matters generally ; saving the exception contained in the following paragraph.

Nevertheless, so long as prescription has not been acquired, the thing lost or stolen may be revendicated, although it have been bought in good faith in the cases of the preceding paragraph ; but the revendication in such cases can only take place upon reimbursing the purchaser for the price which he has paid. If the thing have been sold under the authority of law, it cannot, in any case, be revendicated.

The stealer or other violent or clandestine possessor of a thing, and his successors by general title, are debarred from prescribing by articles 16 and 17 of this title.

94. That after article 121 the following be inserted :

SECTION IV.

TRANSITORY PROVISIONS.

122. Prescriptions begun before the promulgation of this code, must be governed by the former laws.

Nevertheless prescriptions then begun, for which, according to these laws, an immemorial duration or one of a hundred years is required, shall be acquired without respect to such necessity.

TITLE FIFTH.

OF SALE.

RESOLVED :—

95. That article 1 be struck out and the following inserted instead thereof :

1. A sale is a contract by which one party gives a thing to the other for a price in money which the latter obliges himself to pay for it.

It is perfected by the consent alone of the parties, although the thing sold be not then delivered ; subject nevertheless to the provisions contained in article 46 of the title *Of Obligations* and the special rules concerning the transfer of registered ships.

96. That article 13 be struck out and the following inserted instead thereof.

13. The sale of a thing which does not belong to the seller is null, subject to the exceptions declared in the three next following articles. The buyer may recover damages of the seller, if he were ignorant that the thing did not belong to the latter.

97. That after article 13, the following be inserted :

13a. The sale is valid if it be a commercial matter, or if the seller afterwards become owner of the thing.

98. That article 16 be struck out and the following inserted instead thereof :

16. The obligation of the seller to deliver is satisfied when he puts the buyer in actual possession of the thing, or consents to such possession being taken by him, and all hindrances thereto are removed.

99. That article 17 be struck out.

100. That articles 25, 26 and 27 be struck out and the three following articles inserted instead thereof :

25. If an immoveable be sold with a statement, in whatever terms expressed, of its superficial contents, either at a certain rate

rate by measurement, or at a single price for the whole, the seller is obliged to deliver the whole quantity specified in the contract ; if such delivery be not possible, the buyer may obtain a diminution of the price according to the value of the quantity not delivered.

If the superficial contents exceed the quantity specified, the buyer must pay for such excess of quantity, or he may at his option give it back to the seller.

26. In either of the cases stated in the last preceding article, if the deficiency or excess of quantity be so great, in comparison with the quantity specified, that it may be presumed the buyer would not have bought if he had known it, he may abandon the sale and recover from the seller the price, if paid, and the expenses of the contract, without prejudice in any case to his claim for damages.

27. The rules contained in the last two preceding articles do not apply, when it clearly appears from the description of the immovable and the terms of the contract that the sale is of a certain determinate thing, without regard to its quantity by measurement, whether such quantity be mentioned or not.

101. That article 42 be struck out and the following inserted instead thereof:

42. If the property sold be charged with a servitude not apparent and not declared, of such importance that it may be presumed the buyer would not have bought, if he had been informed of it, he may vacate the sale or claim indemnity, at his option, and in either case may bring his action so soon as he is informed of the existence of the servitude.

102. That articles 58, 58a, 59 and 60 be struck out and the three following inserted instead thereof:

The seller of an immovable cannot demand the dissolution of the sale by reason of the failure of the buyer to pay the price, unless there be a special stipulation to that effect.

The stipulation and right of dissolution of the sale of an immovable, by reason of non-payment of the price, are subject to the rules relating to the right of redemption contained in articles 63a, 64a, 64b, 64c, 64d and 65 of this title.

This right can in no case be exercised after the expiration of ten years from the time of sale.

The judgment of dissolution by reason of non-payment of the price is pronounced at once, without any delay being granted by it for the payment of the price ; nevertheless the buyer may pay the price with interest and costs of suit at any time before the rendering of the judgment.

103. That after article 60c the following be inserted as declaring the law on a doubtful point :

60d. A demand of the price by action or other legal proceeding does not deprive the seller of his right to obtain the dissolution of the sale by reason of non-payment.

104. That article 61 be struck out and the following inserted instead thereof :

61. In the sale of moveable things the buyer is obliged to take them away at the time and place at which they are deliverable. If the price have not been paid, the dissolution of the sale takes place, in favor of the seller, of right and without the intervention of a suit, after the expiration of the delay agreed upon for taking them away, or if there be no such agreement, after the buyer has been put in default in the manner provided in the title *Of Obligations* ; without prejudice to the seller's claim for damages.

105. That article 62 be struck out and the following inserted instead thereof ;

62. Besides the causes of dissolution and of nullity already declared in this title, and those which are common to contracts, the contract of sale may be dissolved by the exercise of the right of redemption.

106. That article 64 be struck out and the four following inserted instead thereof :

64a. The right of redemption cannot be stipulated for a term exceeding ten years.

If it be stipulated for a longer term, it is reduced to the term of ten years.

64b. The stipulated term is to be strictly observed. It cannot be extended by the court.

64c. If the seller fail to bring a suit for the enforcement of his right of redemption within the stipulated term, the buyer remains absolute owner of the thing sold.

64d. The term runs against all persons, including minors and those otherwise incapable in law, reserving to the latter such recourse as they may be entitled to.

107. That article 87 be struck out and the following inserted instead thereof :

87. The sale of debts and rights of action against third persons, is perfected between the seller and buyer by the completion of the title, if authentic, or the delivery of it, if under private signature.

108. That article 96 be struck out and the following inserted instead thereof :

96. He who sells a right of succession without specifying in detail the property of which it consists is bound by law to warrant only his right as heir.

TITLE SEVENTH.

OF LEASE AND HIRE.

RESOLVED :—

109. That article 7 be struck out and the following inserted instead thereof :

7. Persons holding real property by sufferance of the owner, without

without lease, are held to be lessees, and bound to pay the annual value of the property.

Such holding is regarded as an annual lease or hire terminating on the first day of May of each year, if the property be a house, and on the first day of October, if it be a farm or rural estate.

It is subject to tacit renewal and to all the rules of law applicable to leases.

Persons so holding are liable to ejectment for non-payment of rent for a period exceeding three months, and for any other causes for which a lease may be rescinded.

110. That article 47 be struck out and the following inserted instead thereof:

47. If the lease be for a term of two or more years, the lessee is not entitled to claim any reduction of rent in the case stated in the last preceeding article.

111. That article 55a be struck out and the following inserted instead thereof:

55a. The lessor cannot put an end to the lease, for the purpose of occupying himself the premises leased, unless the right to do so has been expressly stipulated, and in such case the lessor must give notice to the lessee according to the rules contained in article 52 and the articles therein referred to; unless it be otherwise stipulated.

112. That article 56 be struck out and the following inserted instead thereof:

56. The lessee cannot, by reason of the alienation of the thing leased, be expelled before the expiration of the lease, by a person who becomes owner of the thing leased under a title derived from the lessor; unless the lease contain a special stipulation to that effect and be registered.

In such case notice must be given to the lessee according to the rules contained in article 52 and the articles therein referred to; unless it be otherwise specially agreed.

113. That article 58 be struck out and the following inserted instead thereof:

58. The lessee who is expelled under a stipulation to that effect is not entitled to recover damages, unless the right to do so be expressly reserved in the lease.

114. That article 60 be struck out.

115. That after article 76a the following be inserted:

77. When an architect or builder undertakes the construction of a building or other works by contract, upon a plan and specifications, at a fixed price, he cannot claim any additional sum upon the ground of a change from the plan and specifications, or of an increase in the labor and materials, unless such

such change or increase be authorized in writing, and the price of them be agreed upon with the proprietor.

TITLE FIRST.

OF SUCCESSIONS.

RESOLVED :—

116. That article 5 be struck out and the following inserted instead thereof :

5a. The law, in regulating a succession, considers neither the origin nor the nature of the property composing it. The whole forms but one inheritance which is transmitted and divided according to uniform rules, or the dispositions made by the proprietor, whose powers to that effect are free from limitation or reservation.

117. That articles 31, 32, 33, ~~33bis~~, 34, 35, 36, 37, 38 and 39 be struck out and the five following articles inserted instead thereof :

39a. If a person dying without issue, leave his father and mother and also brothers or sisters, or nephews or nieces in the first degree, the succession is divided into two equal portions, one of which devolves to the father and mother, who share it equally, and the other to the brothers and sisters, nephews and nieces of the deceased, according to the rules laid down in the following section.

39b. If, in the case of the preceding article, the father or mother had previously died, the share he or she would have received accrues to the survivor of them.

39c. If the deceased leave no issue nor brothers nor sisters, nephews nor nieces in the first degree, nor father nor mother, but only other ascendants, the latter succeed to him to the exclusion of all other collaterals.

39d. In the case of the preceding article the succession is divided equally between the ascendants of the paternal line and those of the maternal line.

The ascendant nearest in degree takes the half accruing to his line to the exclusion of all others.

Ascendants in the same degree inherit by heads in their line.

39e. Ascendants inherit, to the exclusion of all others, property given by them to their children or other descendants who die without issue, where the objects given are still in kind in the succession, and if they have been alienated, the price, if still due, accrues to such ascendants.

They also inherit the right which the donee may have had of resuming property thus given.

118. That articles 40, 41, 42, 43 and 44 be struck out and the five following articles inserted instead thereof :

44a. If the father and mother of a person dying without issue, or one of them, have survived him, his brothers and sisters,

sisters, as well as his nephews and nieces in the first degree, are entitled to one half of the succession.

44b. If both father and mother have previously died, the brothers, sisters, and nephews and nieces in the first degree, of the deceased, succeed to him, to the exclusion of the ascendants and the other collaterals. They succeed either in their own right or by representation, as provided in the second section of this chapter.

44c. The division of the half or of the whole of the succession coming to the brothers, sisters, nephews or nieces, according to the terms of the two preceding articles, is effected in equal portions amongst them, if they be all born of the same marriage; if they be the issue of different marriages, an equal division is made between the two lines paternal and maternal of the deceased, those of the whole blood sharing in each line, and those of the half blood sharing each in his own line only. If there be brothers and sisters, nephews and nieces on one side only, they inherit the whole of the succession to the exclusion of all the relations of the other line.

44d. If the deceased, having left no issue, nor father nor mother, nor brothers, nor sisters, nor nephews, nor nieces in the first degree, leave ascendants in one line only, the nearest of such ascendants takes one half of the succession, the other half of which devolves to the nearest collateral relation of the other line.

If, in the same case, there be no ascendant, the whole succession is divided into two equal portions, one of which devolves to the nearest collateral relation of the paternal line, and the other to the nearest of the maternal line.

Amongs collaterals, saving the case of representation, the nearest excludes all the others; those who are in the same degree partake by heads.

44f. Relations beyond the twelfth degree do not inherit.

In default of relations within the heritable degree in one line, the relations of the other line inherit the whole.

119. That article 59 be struck out and the following inserted instead thereof:

59a. If such heirs do not agree to accept or to reject the succession, it is held to be accepted under benefit of inventory.

120. That after article 69a the following be inserted.

69b. The judgment granting the petition must be registered in the registry office of the division in which the succession opened.

121. That article 89 be struck out and the following inserted instead thereof:

89a. In the collateral as well as in the direct line, the heir who accepts under benefit of inventory is not excluded by the one who offers to accept unconditionally.

122. That articles 115*a* and 115*b* be struck out and the following inserted instead thereof :

115*c*. Every heir, even the beneficiary heir, coming to a succession, must bring back to his coheirs all that he has received from the deceased by gift *inter vivos*, directly or indirectly ; he cannot retain the gifts made nor claim the legacies bequeathed by the deceased, unless such gifts and legacies have been given him expressly by preference and beyond his share, or with an exemption from bringing back.

123. That after article 116, the following be inserted :

117. A donee who at the time of the gift was not an heir, but who at the time of the opening of the succession is entitled to succeed, is bound to bring back the gift unless the testator have exempted him from doing so.

124. That article 130 be struck out and the following inserted instead thereof :

130*a*. As to immoveables, the donee or legatee may at his option bring them back in all cases, either in kind or by taking less according to valuation.

125. That article 133 be struck out and the following inserted instead thereof :

133*a*. When the return is made in kind, if the immoveable brought back be hypothecated or encumbered, the copartitioners may require the donee or legatee to clear it from such hypothec or incumbrance ; if he fail to do so, he can only bring back by taking less.

The parties may however agree that the return shall be made in kind ; this is effected without prejudice to the claims of the hypothecary creditors, which are charged in the partition of the succession to the party making the return.

126. That article 153 be struck out and the following inserted instead thereof :

153*a*. Partitions may be rescinded for the same causes as other contracts.

Rescission on the ground of lesion takes place in the case of minors only, according to the rules declared in the title *Of Obligations*.

The mere omission of an object belonging to the succession does not give rise to the action of rescission, but only gives a right to a supplement of the act of partition.

TITLE SECOND.

OF GIFTS *INTER VIVOS* AND BY WILL:

RESOLVED :—

127. That article 5 be struck out and the following inserted instead thereof :

5*a*. Every gift made so as to take effect only after death, which is not valid as a will, or as permitted in a contract of marriage, is void.

128. That article 11 be struck out and the following inserted instead thereof :

11a. The prohibitions and restrictions applicable to gifts and benefits bestowed by future consorts in case of second marriages no longer exist in marriages contracted since the promulgation of this code.

Gifts of a child's share, when made as such, shall continue to be regulated in conformity with the ancient laws.

129. That article 14 be struck out and the following inserted instead thereof :

14a. Minors become of age, and persons who have been under the control of others, cannot give *inter vivos* to their former tutors or curators, so long as their administration actually continues and they have not rendered their account ; they may however give to their own ascendants who have exercised these offices, whether they have remarried or not.

130. That article 15 be struck out and the following inserted instead thereof :

15b. Gifts *inter vivos* made in favor of the person with whom the donor has lived in concubinage, or of the incestuous or adulterine children of such donor, are limited to maintenance.

This restriction does not apply to gifts made in a contract of marriage entered into between the concubinaries.

Other illegitimate children may receive by gift *inter vivos* like all other persons.

131. That article 16 be struck out and the following inserted instead thereof :

16b. Gifts *inter vivos* made hereafter in favor of the priests or ministers of religion having the spiritual direction of the donor, of the physicians and others attending him with the view of restoring his health, or of the advocates and attorneys engaged in lawsuits in his behalf, shall not be set aside by mere presumption of law, as defective by reason of undue influence or want of consent. The presumption in this case, as in all others, must be established by facts.

132. That articles 22, 23, 24, 25, 26, 27, 28 and 29 be struck out and the following inserted instead thereof :

22b. In successions devolving hereafter, the children shall no longer claim, in consequence of gifts *inter vivos*, the legal portion allowed them by the ancient laws.

133. That article 31 be struck out and the following inserted instead thereof :

31a. It is essential to gifts intended to take effect *inter vivos*, that the donor should actually divest himself of his ownership in the thing given.

The consent of the parties is sufficient, as in sale, without the necessity of delivery.

The donor may reserve to himself the usufruct or other precarious possession, or he may pass the usufruct to one person, and give the naked ownership to another, provided he divest himself of his right to the ownership.

The thing given may be claimed, as in the case of sale, from the donor who withholds it, and the donee may demand the rescission of the gift in default of its being delivered, without prejudice to his damages in cases where he may claim them.

If without reservation of usufruct or of precarious possession, the thing given remain unclaimed in the hands of the donor until his death, it may be revindicated from his heirs in successions opening hereafter, provided the deed shall have been registered during the lifetime of the donor.

The gift of an annuity created by the deed of such gift, or of a sum of money or other indeterminate thing which the donor promises to pay or to deliver, divests the donor in the sense that he becomes the debtor of the donee.

134. That article 34 be struck out and the following inserted instead thereof :

34a. A gift may consist of a person's whole property, and it is then universal ; or of the whole of the moveable or immoveable property, of the whole of the property of the matrimonial community or of any other universality, or of an aliquot portion of such property, and is in such cases a gift by general title ; or it may be limited to things particularly described, and is then a gift by particular title.

135. That article 39 be struck out and the following inserted instead thereof :

39a. Unless some special law require it, a deed of gift need not be accompanied by a statement of the moveable property given ; the legal proof of its nature and quantity devolves upon the donee.

136. That article 40c be struck out and the following inserted instead thereof :

40d. The acceptance of a gift need not be in express terms. It may be inferred from the deed or from circumstances, amongst which may be counted the presence of the donee to the deed, and his signature.

This acceptance is presumed in a contract of marriage, as well with regard to the consorts as to the future children. In gifts of moveable property this presumption also results from the delivery.

137. That article 40i be struck out and the following inserted instead thereof :

40j. Minors and interdicted persons cannot be relieved from the acceptance or repudiation made in their name by a qualified person, if it have been previously authorized by a judge, upon the advice of a family council. With these formalities the

the acceptance is ~~as~~ effectual as if it were made by a person of age, in the full exercise of his rights.

138. That article 45 be struck out and the following inserted instead thereof :

45a. Gifts *inter vivos* of present property when they are accepted, divest the donor of and vest the donee with the ownership of the thing given, as in sale, without any other delivery being necessary.

139. That article 58 be struck out and the following inserted instead thereof :

58a. Gifts made in the direct line by contract of marriage are not affected by want of registration further than they may be under the general registry laws.

All other gifts in contracts of marriage, even between future consorts, or in contemplation of death, and all other gifts in the direct line, remain subject to registration in the same manner as gifts in general.

140. That article 63 be struck out and the following inserted instead thereof :

63a. Gifts *inter vivos* accepted are liable to be revoked :

1. By reason of ingratitude on the part of the donee ;
2. By means of the resolutive condition, in cases where it may be validly stipulated ;
3. For the other legitimate causes by which contracts may be annulled, unless some particular exception be applicable.

141. That article 64 be struck out.

142. That article 65 be struck out and the following inserted instead thereof :

65a. In gifts made hereafter, the subsequent birth of children to the donor will not constitute a resolutive condition, unless it be so stipulated.

143. That article 69 be struck out and the following inserted instead thereof :

69a. Gifts made hereafter shall not be revoked by reason of the non-fulfillment of obligations entered into by the donee, as charges or otherwise, unless the revocation be stipulated and provided for in the deed ; and such revocation shall be subject in all respects to the same rules as the dissolution of sale in default of payment of the price, without the necessity of any preliminary condemnation obliging the donee to the fulfilment of his obligations.

The stipulation of all other resolutive conditions when legally made has the same effect in gifts as in other contracts.

144. That article 84 be struck out and the following inserted instead thereof :

84a. As regards wills made after the promulgation of this code,

code, minors aged twenty years and over, whether emancipated or not, are incapable of bequeathing any part of their property.

145. That article 94 be struck out and the following inserted instead thereof :

94^{ter}. Wills in notarial or authentic form are received before two notaries or before a notary and two witnesses, the testator in their presence and with them signs the will, or declares that he cannot do so, after it has been read to him by one of the notaries in presence of the other, or by the notary in presence of the witnesses. Mention is made in the will of the observance of the formalities.

146. That article 95 *bis* be struck out and the following inserted instead thereof :

95^{quater}. Authentic wills must be made as originals remaining with the notary.

The witnesses must be named and described in the will. They must be of the male sex, of full age, and must not be civilly dead nor sentenced to an infamous punishment. Aliens may hereafter serve as witnesses. The clerks and servants of the notaries cannot.

147. That article 98 be struck out and the following inserted instead thereof :

98^a. A will cannot be executed before notaries who are related or allied to the testator or to each other, in the direct line, or in the degree of brothers, uncles, or nephews. The witnesses however may be related or allied to the testator, to the notary, or to one another.

148. That article 99 be struck out and the following inserted instead thereof :

99^a. Legacies made in favor of the notaries or witnesses or to the wife or husband of any such notary or witness or to any relation of such notary or witness in the first degree are void, but do not annul the other provisions of the will.

Testamentary executors who are neither benefitted nor compensated by the will may serve as witnesses to its execution.

149. That article 100 be struck out and the following inserted instead thereof :

100^b. Wills in authentic form cannot be dictated by signs. Deaf mutes and others who cannot declare their will by word of mouth, may do so, if they are sufficiently educated, by means of instructions written by themselves and handed to the notary, before or at the execution of the will, in the manner hereinabove established.

Deaf mutes and such persons as cannot hear the will read, must read it themselves, and aloud, as regards those who are only deaf.

A written declaration that the deed contains the will of the testator and is prepared in accordance with his instructions, may be substituted for the same declaration by word of mouth, when it is required.

Mention must be made of the observance of these exceptional formalities and of their cause.

If the deaf mutes and others cannot avail themselves of the provisions of this article, they cannot make wills in the authentic form

150. That article 101 be struck out and the following inserted instead thereof :

101b. Further and special provisions exist for the district of Gaspé, to remedy the want of notaries for the execution of wills ; as well as of other acts.

Saving these provisions of a local nature, ministers of religion shall not hereafter replace notaries in the execution of wills ; neither shall they serve otherwise than as ordinary witnesses.

151. That article 105 be struck out and the following inserted instead thereof :

105a. Wills made in the form derived from the laws of England, whether they affect moveable or immoveable property, must be in writing and signed at the end with the signature or mark of the testator, made by himself or by another person for him in his presence and under his express direction, which signature is then or subsequently acknowledged by the testator as having been subscribed by him to his will then produced, in presence of at least two competent witnesses together who attest and sign the will immediately, in presence of the testator and at his request.

In wills to be made hereafter females may serve as attesting witnesses, and the other rules concerning the competency of witnesses, shall be the same in other respects as for wills in authentic form.

152. That article 124b be struck out and the following inserted instead thereof :

124c. Fruits and interest arising from the thing bequeathed accrue to the benefit of the legatee from the time of the death of the testator, when the latter has expressly declared in the will his intention to that effect.

Life-rents or pensions, bequeathed by way of maintenance, also begin from the date of the testator's death.

In all other cases, fruits and interest do not accrue until they are judicially demanded, or until the debtor of the legacy is put in default.

153. That article 131 be struck out and the following inserted instead thereof :

131a. In successions devolving hereafter, universal legatees and legatees by general title shall no longer, after acceptance, free

free themselves from personal liability for the debts and legacies imposed upon them by law or by the will, without having obtained benefit of inventory ; they shall be in this respect, and in all that concerns their administration, the rendering of their account and their discharge from liability, subject to the same rules as the heir, and to the obligation of registering.

Legatees by particular title upon whom the will imposes debts and charges of uncertain extent, may, in the same manner as the heir and universal legatee, accept only under benefit of inventory.

154. That article 133 be struck out and the following inserted instead thereof :

133c. The bequest of a thing which does not belong to the testator, whether he were aware or not of another's right to it, is void, even when the thing belongs to the heir or legatee charged with the payment of it.

The legacy is however valid, and is equivalent to the charge of procuring the thing or of paying its value, if such appear to have been the intention of the testator. In such case, if the thing bequeathed belong to the heir or the legatee charged with the payment of it, whether the fact were known or not to the testator, the particular legatee is seized with the ownership of his legacy.

155. That article 133d be struck out and the following inserted instead thereof :

133e. If the thing bequeathed belonged to the testator for a part only, he is presumed to have bequeathed only the part which belonged to him, even when the remainder belongs to the heir or principal legatee, unless his intention to the contrary be manifest.

The same rule applies to the bequest made by one of the consorts of a thing belonging to the community ; saving the right of the legatee to the whole of the thing bequeathed, under the circumstances enumerated in the title *Of Marriage Covenants*, and generally in the case of the following article.

156. That article 133 *quater* be struck out and the following inserted instead thereof :

133f. If the testator since the making of the will have become, wholly or in part, owner of the thing bequeathed, the legacy is valid as regards whatever remains in his succession, notwithstanding the provisions contained in the preceding article ; excepting the case in which the thing remains in the succession only by reason of the nullity of a subsequent voluntary alienation of it by the testator.

157. That article 139 be struck out.

158. That article 140 be struck out and the following inserted instead thereof :

140a. If before or since the will, the immoveable bequeathed have been hypothecated for a debt of the testator remaining still

still due, or even for the debt of a third person whether it were known or not to the testator, the heir, or the universal legatee, or the legatee by general title is not bound to discharge the hypothec, unless he be obliged to do so by the will.

A usufruct established upon the thing bequeathed is also borne without recourse by the particular legatee. The same rule applies to servitudes.

If however the hypothecary debt of a third person, of which the testator was ignorant, affect at the same time the particular legacy and the property remaining in the succession, the benefit of division may reciprocally be claimed.

159. That article 144 be struck out and the following inserted instead thereof:

144a. The revocation of a will or of a legacy may also be demanded ; 1. On the ground of the complicity of the legatee in the death of the testator, or by reason of grievous injury done to his memory, in the same manner as in the case of legal succession, or, again, if the legatee hinder the revocation or modification of the will ; 2. By reason of the resolute condition ;

Without prejudice to the causes for which the validity of the will or legacy may be impugned.

The subsequent birth of children to the testator does not effect a revocation.

Enmity springing up between him and the legatee does not give rise to the presumption of revocation.

160. That article 149 be struck out and the following inserted instead thereof :

149a. Every alienation by the testator of the right of property in the thing bequeathed even in a case of necessity, or by forced means, or with right of redemption reserved, or by exchange, carries with it, unless he has otherwise provided, a revocation of the will or legacy for all that has been thus disposed of, even though, if it were voluntary, the alienation be void.

The revocation subsists although the thing should afterwards have returned into the hands of the testator, unless he appear to have intended the contrary.

161. That article 151 be struck out and the following inserted instead thereof :

151a. Heirs shall not hereafter be excluded from successions, even for a just cause of exheredation according to the ancient laws, unless the act excluding them be clothed with all the formalities of a will.

162. That article 157 be struck out and the following inserted instead thereof :

157a. A testator may name one or more testamentary executors, or provide for the manner in which they shall be appointed ; he may also provide for their successive replacement.

Heirs or legatees may lawfully be appointed testamentary executors.

Creditors of the succession may be executors without forfeiting their claims.

Single women or widows may also be charged with the execution of wills.

The courts and judges cannot appoint nor replace testamentary executors, except in the cases specified in the last article of this section.

If there be no testamentary executors, and none have been appointed in the manner in which they may be, the execution of the will devolves entirely upon the heir or the legatee who receives the succession.

163. That article 163 be struck out and the following inserted instead thereof :

163a. A testamentary executor who has accepted the office cannot renounce it without the authorization of the court or of a judge, which may be granted for sufficient cause ; the heirs and legatees and other executors, if there be any, being present, or having been duly called.

Difference of opinion between an executor and the majority of his co-executors, as to the execution of the will, may constitute a sufficient cause.

164. That article 165 be struck out and the following inserted instead thereof :

165a. If there be several joint testamentary executors, with the same duties to perform, they have all equal powers and must act together, unless the testator have otherwise ordained.

Nevertheless those who are on the spot may perform alone acts of a conservatory nature and others requiring dispatch. The executors may also act generally as attorneys for each other, unless the intention of the testator appear to the contrary, and subject to the responsibility of the one who grants the power. The executors cannot delegate generally the execution of the will to others than their co-executors, but they may be represented by attorney for determinate acts.

Executors exercising these joint powers, are jointly and severally bound to render one and the same account, unless the testator have divided their functions and each of them have kept within the scope assigned to him.

They are responsible only each for his share for the property of which they took possession in their joint capacity, and for the payment of the balance due, saving the distinct liability of such as are authorized to act separately.

165. That after article 168 the following be inserted :

169. If, having accepted, a testamentary executor refuse or neglect to act, or dissipate or waste the property, or otherwise exercise his functions in such a manner as would justify the dismissal of a tutor, or if he have become incapable of fulfilling

fulfilling the duties of his office, he may be removed by the court having jurisdiction.

166. That after article 175 the following be inserted ;

175a. If the testator desire that the appointment or the replacement should be made by the courts or judges, the powers necessary for such purpose may hereafter be exercised judicially, the heirs and legatees interested being first duly notified.

When testamentary executors and administrators have been named by the will, and in consequence of their refusal to accept, or of their powers having ceased without their being replaced, or of unforeseen circumstances, none of them remain, and it is impossible to replace them under the terms of the will, the judges and the courts may likewise exercise the powers necessary to do so, provided it appear that the testator intended the execution and administration of the will to continue independently of the heir or of the legatee.

167. That article 181 be struck out and the following inserted instead thereof :

181a. Substitutions made by contract of marriage are irrevocable like gifts made in the same manner.

Substitutions made by other gifts *inter vivos* may be revoked by the donor, notwithstanding the acceptance by the institute for himself, so long as they have not opened ; unless they have been accepted by the substitute, or in his behalf, either formally or in an equivalent manner, as in gifts in general.

The acceptance made for themselves by institutes, even when they are strangers to the donor, also renders irrevocable the substitution in favor their children born or to be born.

The revocation of a substitution, when it is allowed, cannot prejudice the institute nor his heirs by depriving them of the possible benefit of the lapse of the substitution, or otherwise. On the contrary, and although the substitute might have received but for the revocation, such revocation goes to the profit of the institute and not of the grantor, unless he has made a reservation to that effect in the act creating the substitution.

Substitutions by will may be revoked like all other testamentary dispositions.

168. That article 186 be amended by limiting substitutions to two degrees beyond the institute :

169. That article 208*bis* be struck out and the following inserted instead thereof :

208b. As regards marriages to be contracted hereafter, the wife of the institute shall no longer enjoy a subsidiary recourse against the property of substitutions for the securing of her dower or her dowry.

170. That after article 219, the following be inserted :

220. If the institute were a debtor or a creditor of the grantor

grantor, and in consequence of his accepting as heir, as universal legatee, or as legatee by general title, confusion takes place so as to destroy his debt or his claim, such debt or claim, notwithstanding such confusion which is deemed to be only temporary, revives between the substitute and the institute or his heirs, when the property comes to be delivered over; except as to interest up to that time for which the confusion still holds.

The institute or his heirs are entitled to the separation of property in the prosecution of their claim, and may retain the property until they are paid.

171. That article 227 be struck out and the following inserted instead thereof :

227a. Although the motive of the prohibition to alienate be not expressed, and it be not declared under pain of nullity or some other penalty, the intention of the party disposing, suffices to give it effect, unless the expressions are evidently within the limits of mere advice.

When the prohibition is not made for another motive, it is interpreted as establishing in favor of the party disposing and his heirs a right to get back the property.

172. That after article 236 the following be inserted :

237. Prohibitions to alienate, although not accompanied by substitution, must be registered, even as regards moveable property, in the same manner as substitutions themselves.

The person thus prohibited and his tutor or curator, and the husband in the case of a married woman, are bound to effect such registration.

TITLE FOURTH.

OF MARRIAGE COVENANTS AND OF THE EFFECT OF MARRIAGE UPON THE PROPERTY OF THE CONSORTS.

RESOLVED :—

173. That articles 9 and 10 be struck out and the following inserted instead thereof :

10a. After marriage, the marriage covenants contained in the contract cannot be altered, even by the mutual donation of usufruct, which is hereby abolished for the future, without prejudice to acts already made; nor can the consorts in any other manner confer benefits *inter vivos* upon each other.

174. That after article 11 the following be inserted :

12. Minors, capable of contracting marriage, may validly make, in favor of their future consorts or children, all such agreements or gifts as the contract admits of, provided they be assisted by their tutors, if they have any, and by the other persons whose consent is necessary to the validity of the marriage ;

the benefits which they confer in such contracts upon third parties are subject to the rules which apply to minors in general.

175. That article 14 be struck out and the following inserted instead thereof :

14a. Community, whether legal or conventional, commences from the day of the celebration of marriage ; the parties cannot stipulate that it shall commence at any other period.

176. That article 41 be struck out and the following inserted instead thereof :

41a. A wife cannot, without judicial authorization, obligate herself nor bind the property of the community, even for the purpose of releasing her husband from prison, or of establishing their common children, in the case of his absence.

177. That after article 56 the following be inserted :

57. Every judgment ordering separation of property must be inscribed, without delay, by the prothonotary or clerk of the court, upon a list kept for that purpose and posted in the office of the clerk of the court which rendered the judgment ; and such inscription and the date thereof must be mentioned at the end of such judgment, in the register in which it is recorded.

The separation affects third parties, from the day only when these formalities have been complied with.

Special formalities are necessary in order to obtain judgments of separation of property against traders, as provided in The Insolvent Act of 1864.

178. That article 84 be struck out and the following inserted instead thereof :

84a. If the wife be under age, she cannot accept the community without the assistance of her curator, and the authorization of a judge, upon the advice of a family council ; when made with these formalities, the acceptance is irrevocable, and has the same effect as if the wife had been of age.

179. That article 85 be struck out and the following inserted instead thereof :

85a. The wife surviving her husband must, within three months from his death, cause a faithful and correct inventory of all the property of the community to be made in the presence of the heirs of the husband, or after having duly summoned them.

This inventory must be made before notaries, as an original, and be judicially closed in the same manner as that required by article 68 in order to prevent the continuation of the community.

180. That article 121a be struck out and the following inserted instead thereof.

121b. She may, however, retain the wearing apparel and linen

linen in use for her own person, exclusive of all other jewelry than her engagement and wedding presents.

181. That after article 129 the following be inserted :

130. In the case of the preceding article, the moveable property which accrues to either consort during marriage must be established by an inventory or some other equivalent title.

As regards the husband, in default of such inventory or title, he forfeits his right to take back the moveable property which has fallen to him during the marriage.

As regards the wife, on the contrary, she or her heirs are, in such case, admitted to make proof either by title, by witnesses, or even by common rumor, of the moveable property, thus accrued to her.

TITLE NINTH.

OF LOAN.

RESOLVED :—

182. That article 5 be struck out and the following inserted instead thereof :

5. The borrower is bound to bestow the care of a prudent administrator in the safe-keeping and preservation of the thing loaned.

He cannot apply the thing to any other use than that for which it is intended by its nature or by agreement.

TITLE TENTH.

OF DEPOSIT.

RESOLVED :—

183. That articles 9 and 10 be struck out and the following inserted instead thereof :

The depositary is bound to apply in the keeping of the thing deposited the care of a prudent administrator.

TITLE ELEVENTH.

OF PARTNERSHIP.

RESOLVED :—

184. That article 15 be struck out and the following inserted instead thereof :

15. When there is no agreement concerning the shares of the partners in the profits and losses of the partnership, they share equally.

185. That article 30a be struck out.

186. That article 44 be struck out and the following inserted instead thereof :

44. Every alteration in the names of the general partners, in the nature of the business, or in the capital or shares, or in any matter, other than the names of the special partners, specified in the original certificate, is deemed a dissolution of the partnership ; and if it be carried on after such alteration, it is deemed a general partnership, unless renewed as a limited partnership in the manner provided in the last preceding article.

TITLE TWELFTH.

OF LIFE-RENTS.

RESOLVED :—

187. That article 6 be struck out and the following inserted instead thereof :

6. The rule declared in the last preceding article applies equally when the person upon whose life the rent is constituted is, without the knowledge of the parties, dangerously ill of a malady of which he dies within twenty days after the date of the contract.

188. That article 15 be struck out and the following inserted instead thereof :

15. When an immoveable hypothecated for the payment of a life-rent is sold by a forced sale, or by a voluntary sale followed by confirmation of title, the posterior creditors are entitled to receive the proceeds of the sale on giving sufficient security for the continued payment of the rent, and in default of such security being given, the creditor of the rent is collocated, according to the order of his hypothec, for a sum equal to the value of the rent at the time of collocation.

189. That article 16 be struck out and the following inserted instead thereof :

16. The value of the life-rent is estimated at the sum which, at the time of collocation, would be sufficient to purchase from a life-assurance company a life-annuity of like amount.

TITLE THIRTEENTH.

OF TRANSACTION.

RESOLVED :—

190. That article 6 be struck out and the following inserted instead thereof :

6. Transaction upon a writing which has since been found to be false, is altogether null.

TITLE

TITLE SIXTEENTH.

OF PLEDGE.
•

RESOLVED:—

191. That article 5 be struck out and the following inserted instead thereof :

5. The creditor cannot, in default of payment of the debt, dispose of the thing given in pawn. He may cause it to be seized and sold in the usual course of law under the authority of a competent court and obtain payment by preference out of the proceeds.

He may also stipulate that in default of payment he shall be entitled to retain the thing.

TITLE SEVENTEENTH.

OF PRIVILEGES AND HYPOTHECS.

RESOLVED.—

192. That the following paragraph be added to article 29 :
In case of chronic disease, the privilege applies only to the expenses during the last six months before the decease.

193. That article 78 be struck out and the following inserted instead thereof.

78. As between the creditors, hypothecs heretofore created rank in the order of their respective dates, when none of them have been registered in conformity with the provisions contained in the title *Of registration of real rights*. Hypothecs created hereafter are inoperative unless they conform to the provisions of article 40 in the same title.

TITLE EIGHTEENTH.

OF REGISTRATION OF REAL RIGHTS.

RESOLVED:—

194. That article 2 be struck out and the following inserted instead thereof :

2. The following rights are exempt from registration :

1. The privileges mentioned in paragraphs one, four, five, six and nine, of article 35 of the title *Of Privileges and Hypothecs* ;

2. The original titles by which lands were granted *en fief*, *en censive*, *en franc-alleu*, or in free and common soccage ;

3. Hypothecs in favor of the crown, created in virtue of the act passed in the ninth year of Her Majesty's reign, chapter sixty-two ;

4. Seigniorial rights, and the rents constituted in their stead ;
 5. The claim of mutual insurance companies for the amounts which the parties insured are liable to contribute.

195. That article 4 be struck out and the following inserted instead thereof :

4. The registration of a real right cannot prejudice the purchaser of an immoveable who at the time and before the promulgation of this code was in open and public possession of it as owner, even though his title be not registered until afterwards.

196. That article 11 be struck out and the following inserted instead thereof :

11. All acts *inter vivos*, other than partitions or licitations, conveying the ownership of an immoveable must be registered at full length, or by memorial.

In default of such registration, the title of conveyance cannot be invoked against any third party who has purchased the same property from the same vendor for a valuable consideration and whose title is registered.

Registration has the same effect between two donees of the same immoveable.

Every conveyance by will of an immoveable must be registered either at full length or by memorial, with a declaration of the date of the death of the testator.

The transmission of immoveables by succession must be registered by means of a declaration setting forth the name of the heir, his degree of relationship to the deceased, the name of the latter, the date of his death, and, lastly, the designation of the immoveable.

All rights or assignments of ownership established by a partition or a licitation must be enregistered at full length or by memorial.

So long as the right of the purchaser has not been registered, all conveyances, transfers, hypothecs or real rights granted by him in respect of such immoveable are without effect.

The provisions of this article are applicable to the future only.

197. That the last paragraph of article 13 be struck out and the following inserted instead thereof :

13. The right of the vendor to take back an immoveable sold, in the case of non-payment of the price, does not affect subsequent purchasers who have not subjected themselves to such right, unless the deed in which it is stipulated has been registered as in ordinary cases ; nevertheless the vendor in this matter as well as for securing the price has all the advantage of the delay of thirty days.

198. That after article 13 the following be inserted :

13a. All judgments declaring the dissolution, nullity, or rescission of a registered deed of conveyance or other title by which

which an immoveable has been transmitted, or permitting the exercise of a right of redemption or of revocation, must be registered at full length within thirty days after they are rendered.

199. That after article 13a the following be inserted :

13b. The action of the vendor to have the sale dissolved by reason of the non-payment of the price, according to article 60 of the title *Of Sale*, cannot be brought against third parties, if the stipulation to that effect have not been registered.

The same rule applies to the right of redemption.

200. That after article 17 the following be inserted :

18a. Claims for funeral expenses and expenses of last illness do not retain their privilege upon immoveables unless a memorial of such claims is registered in the manner and within the delays prescribed by the preceding article.

201. That after article 27 the following be inserted :

27b. The right to legal customary dower, in respect of marriages to take place hereafter, shall not be preserved otherwise than by the registration of the marriage certificate with a description of the immoveables then subject to such dower.

As regards immoveables which may subsequently fall to the husband and become subject to customary dower, the right to dower upon such immoveables shall not take effect until a declaration for that purpose has been registered, setting forth the date of the marriage, the names of the consorts, the description of the immoveable, its liability for dower, and how it has become subject to it.

202. That after article 29 the following be inserted :

30. Every notary called upon to make an inventory is bound to see that the tutorships of the minors, or the curatorships of the interdicted persons interested in such inventories are duly registered, and, if necessary, to cause such registration to be effected at the expense of such tutors or curators, before proceeding with the inventory, on pain of all damages.

203. That after article 37 the following be inserted :

38. Renunciations to dower, to successions, to legacies, or to community of property cannot be invoked against third parties unless they have been registered in the registry office of the division in which the right accrued.

204. That after article 38 the following be inserted :

39. Every conveyance or transfer of a privileged or hypothecary claim must be registered in the registry office in which the title creating the debt has been registered.

A duplicate of the certificate of its registration must be furnished to the debtor together with the copy of the transfer.

If these formalities be not observed the conveyance or transfer is without effect against subsequent transferees who have conformed to the above requirements.

All subrogations in such rights granted by authentic deeds or by private writings must likewise be registered and notice thereof be given.

If the subrogation take place by the sole operation of law, it may be registered by transcribing the document from which it results, with a declaration to that effect.

The transfer or subrogation must be mentioned in the margin of the registry of the title creating the debt, with a reference to the number of the entry of such transfer or subrogation.

205. That article 39a be struck out and the following inserted instead thereof :

39a. The lease of an immoveable for a period exceeding one year cannot be invoked against a subsequent purchaser unless it has been registered.

206. That after article 39a the following be inserted :

39b. No act containing a discharge from the rent of an immoveable for more than one year in anticipation, can be invoked against a subsequent purchaser unless it has been registered, together with a description of the immoveable.

207. That article 40 be struck out and the following inserted instead thereof :

40. Privileged rights which are not subject to registration take precedence according to their respective rank.

Rights subject to registration and which have been registered within the prescribed delays, take effect according to the provisions contained in the preceding chapter.

Except the above cases and the cases of articles 4 and 8, real rights rank according to the date of their registration.

If however two titles creating hypothec be entered for registration on the same day and at the same hour they rank together.

If a deed of purchase, and a deed creating a hypothec, both affecting the same immoveable, be registered on the same day, the more ancient deed takes precedence.

No hypothec hereafter created shall have any effect without registration, except that of mutual insurance companies for the amount which the parties insured are liable to contribute.

208. That article 54a be struck out and the following inserted instead thereof :

54a. Every claim or memorial for the preservation of interest or of arrears of rent must specify the amount thereof and the title under which they are due, and be accompanied by the affidavit of the creditor that such amount is due.

209. That paragraph 4 of article 64 be struck out and the following inserted instead thereof :

4. Deeds conveying the ownership of property other than those above mentioned, the leases mentioned in article 39a, and acquittances for rent paid in anticipation.

210. That after 64 the following be inserted :

64a. The provisions of the preceding article may be extended by a proclamation of the governor to any registry division the population of which exceeds fifty thousand souls.

211. That after article 64a the following be inserted :

64b. The Governor in Council may after the form of any books, indexes or other official documents to be kept by registrars, or direct new ones to be kept; and all orders to that effect are published in the *Canada Gazette* and take effect from the day therein appointed, provided such day be not fixed at less than one month from the publication of such order.

212. That article 73 be struck out and the following inserted instead thereof :

73. Whenever the owner of a property indicated upon the plan and in the book of reference shall subdivide it into town or village lots to the number of more than six, he shall deposit in the office of the Commissioner of Crown Lands, a particular plan and book of reference certified by himself, with special numbers and designations in order to distinguish them from the original ones, and if such plan and book of reference be approved of by the Commissioner of Crown Lands he shall transmit a copy certified by himself to the registrar of the division.

213. That article 78 be struck out and the following inserted instead thereof :

78. The registrar is likewise bound to deliver to any person demanding the same, copies of any acts or documents registered, but he must mention thereon the discharges, cancellings, conveyances or subrogations which may be entered or mentioned in the margin.

214. That the following paragraph be added to article 81 :

The minute-book must be authenticated, numbered and initialed in the same manner.

215. That after article 81 the following be inserted :

81bis. The provisions of the preceding article apply equally to the entry-book and to the index to immoveables.

BOOK FOURTH.

TITLE FIFTH.

OF INSURANCE.

RESOLVED :—

216. That after article 80 the following be inserted as settling the law on a doubtful point :

81. On an accepted abandonment of the ship, the freight earned after the loss belongs to the insurer of the ship; that earned

earned previously to the loss belongs to the ship-owner or to the insurer on freight to whom it is abandoned.

RESOLVED :—

217. That after the last article of the fourth book the following be added :

FINAL PROVISIONS.

1. The laws in force at the time of the promulgation of this Code are abrogated in all cases :

In which there is a provision herein having expressly or impliedly that effect ;

In which such laws are contrary to or inconsistent with any provision herein contained ;

In which express provision is herein made upon the particular matter to which such laws relate.

Except always that as regards transactions, matters and things anterior to the promulgation of this Code, and to which its provisions could not apply without having a retroactive effect, the provisions of law which without this Code would apply to such transactions, matters and things, shall remain in force and apply to them, and the Code shall apply to them only so far as it coincides with such provisions ; and the declaration that certain matters are regulated by the Code of Civil Procedure shall not have the effect of repealing any existing rule or of abolishing any mode of proceeding now in use until the said Code of Civil Procedure shall have become law ;

2. If in any article of this Code founded on the laws existing at the time of its promulgation, there be a difference between the English and French texts, that version shall prevail which is most consistent with the provisions of the existing laws on which the article is founded ; and if there be any such difference in an article changing the existing laws, that version shall prevail which is most consistent with the intention of the article ; and the ordinary rules of legal interpretation shall apply in determining such intention.

C A P . X L I I .

An Act respecting the Court of Queen's Bench in Lower Canada.

[Assented to 18th September, 1865.]

Preamble.

Con. Stat. L.
C. c. 77 cited.

WHEREAS it is expedient to explain section thirteen of chapter seventy-seven of the Consolidated Statutes for Lower Canada, in the manner hereinafter provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Proviso : added
to Sec. 13.

1. The following proviso is hereby added to the said section thirteen of the said chapter, and shall be read as part of the

the said section, and shall be construed and have effect as if it had originally formed part thereof :

" Provided always, that no Judge of the Court of Queen's Bench who has been absent or whose leave of absence has expired, has been, or shall be, disqualified from sitting in any case after his return or after his leave of absence shall have expired, by reason of any Assistant Judge, or Judge *ad hoc*, having been named in his place, or in such case, provided that such Judge of the Court of Queen's Bench was competent to sit in such case before absenting himself or obtaining leave of absence," and no Judge of the Court of Queen's Bench who has been incompetent to sit in any case, and the cause of whose incompetence has ceased, shall be disqualified from sitting in such case by reason of his having been recused, or having declared himself incompetent therein.

Judge who has been absent, &c., not disqualified in certain cases.

Judge whose cause of incompetence has been removed.

C A P . X L I I I .

An Act to amend the Act respecting the ordinary Procedure in the Superior and Circuit Courts for Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to make further provision respecting answers to statements (*articulations*) of facts under the eighty-seventh section of chapter eighty-three of the Consolidated Statutes for Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Preamble.

Con. Stat. L. C. c. 83 cited.

1. For and notwithstanding anything to the contrary contained in the said or any other section of the said Act, or in any other Act or Law, it shall be lawful for any Judge of the Superior Court in term or in vacation in any cause then pending either in the said Court or in the Circuit Court, or for the Prothonotary of the said Superior Court in vacation, and in the absence of a Judge on motion or petition and on good cause shown to his satisfaction, to relieve any party in such cause from any default to file an answer to the statement of facts filed in such cause by ordering that such party have leave (on previously paying any costs the opposite party may have incurred in consequence of such default) forthwith to file an answer to the statement of facts of such opposite party ; Provided always that if the party who filed such statement of facts shall, at the hearing on such motion or petition, demand the postponement of the *enquête* or trial for reasons satisfactory to the Judge or Prothonotary, such postponement may be granted with any costs to be incurred by reason of such postponement by the party having filed such statement of facts, such costs to be paid him by the party applying for leave to file the answer thereto before such leave shall be granted.

Judge on cause shown and payment of costs may relieve a party from default to answer articulation of facts.

Proviso: opposite party may demand postponement of case.

C A P . X L I V .

An Act to amend section thirty-nine of chapter thirty-seven of the Consolidated Statutes for Lower Canada, respecting the authentication of Certificates of Discharge, executed before witnesses.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

How discharges under Con. Stat. L. C. c. 37, s. 39 may be authenticated.

1. Hereafter it shall be sufficient for the authentication of any Certificate of discharge, executed before witnesses, as provided by section thirty-nine of chapter thirty-seven of the Consolidated Statutes for Lower Canada, if one of the witnesses shall, upon oath before one of the Judges of the Court of Queen's Bench or Superior Court, or before any commissioner for taking affidavits, either in Upper or Lower Canada, or in Great Britain or Ireland, to be used in the Superior Court, or before a Judge of any of the Superior Courts of Law or Equity, or any Judge of a County Court within his County in Upper Canada, or before the Registrar or his deputy, prove that he saw such Certificate signed by the party granting it.

C A P . X L V .

An Act to amend Chapter eighty-eight of the Consolidated Statutes for Lower Canada, intituled: *An Act concerning the protection and enforcement of Corporate Rights.*

[Assented to 18th September, 1865.]

Preamble.

Recital.

WHEREAS it hath happened or may happen, that Letters Patent have been or may be issued by the Crown, granting lands or property to persons holding certain offices, ecclesiastical or otherwise, or to persons named in such Letters Patent as Trustees for the purposes thereof, to the end that such lands may be held as the site of a Church, Chapel or Burial Ground, or of some other institution, building or place for religious or other purposes of a public or quasi-public nature, by the persons so named and their successors in office or by their successors to be appointed as Trustees in some manner prescribed by such Letters Patent; And whereas, it has happened, or may happen that such persons or some of them have died or may die or be removed, without having any successor in office, or without Trustees having been appointed in the manner prescribed in such Letters Patent to succeed them, and doubts have arisen or may arise as to the legal consequence of any such case, which doubts it is expedient to obviate or remove:

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

1. In the cases mentioned in the preamble of this Act, or any of them, the officers, functionaries, trustees or persons to whom any such land or property shall be or has been granted to be held as aforesaid, shall be held to have been and to be a corporation, body politic and corporate, for the purposes mentioned in such Letters Patent, and to have and to have had perpetual succession as such; and no failure of successors in office of any member of such Corporation, and no failure to elect or appoint any such Trustees in the manner prescribed by the Letters Patent, shall operate a dissolution of such Corporation, which shall be held to be continued in the remaining member or members thereof; nor if such Corporation be, at the time of such failure, a party to any suit, action or proceeding, shall such failure suspend the *instance* or render it necessary to call in the heirs or representatives of any deceased or former member of such Corporation, but such action or proceeding shall be continued to judgment and execution by or against the Corporation as if no such failure had occurred; except always that if there be reason to apprehend any failure of justice by reason of such failure of members of the Corporation as aforesaid, the Superior Court may, by writ of mandamus to be issued at the instance of any party interested, and directed to such functionaries or persons as the Court may see fit, order the election or appointment of such member or members of the said Corporation as may be necessary, in the manner prescribed by such Letters Patent, or in case no such manner of election or appointment is in such Letters Patent prescribed, or the same cannot from circumstances be complied with, then, in such manner as the Court may see fit to direct; and to such proceedings the provisions of the fourteenth section of the Act concerning the protection and enforcement of corporate rights, chapter eighty-eight of the Consolidated Statutes for Lower Canada, and the other provisions of the said Act shall apply so far as they can be made applicable.

Letters Patent granting lands to persons and their successors for public purposes, to be held to have been granted to them as a corporation.

Court may order election of functionaries, &c.

Act to apply to such cases.

2. This Act shall extend only to Lower Canada.

Act limited to L. C.

CAP. XLVI.

An Act to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting seditious and unlawful Associations and Oaths.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Amendment of
Can. Stat. L.
C., c. 10, sec. 9,
as to Free
Masons.

1. The words "or Grand Master or Grand Lodge of Canada" are hereby added to and shall follow the words "Great Britain and Ireland" in the ninth section of the tenth chapter of the Consolidated Statutes for Lower Canada, intituled : *An Act respecting seditious and unlawful Associations and Oaths*, and shall be taken and read as part of the said section ; and this provision shall be construed and have effect as if it had been contained in and forthed part of the ninth section of the Ordinance passed in the second year of Her Majesty's Reign, intituled : *An Ordinance for more effectually preventing the administering or taking of unlawful Oaths and for better preventing treasonable and seditious practices*.

CAP. XLVII.

An Act to amend the Act respecting the Notarial Profession.

[Assented to 18th September, 1865.]

Preamble.

Cap. 73 Con.
Stat. L. C. c.
18.

WHEREAS by the sixteenth section of chapter seventy-three of the Consolidated Statutes for Lower Canada, intituled : *An Act respecting the Notarial Profession*, it is enacted, that an authentic copy of all articles, and of all transfers of articles, shall be filed and registered in the office of the Secretary of one of the Boards of Notaries, within thirty days from the date thereof, on pain of nullity ; and whereas cases have arisen in which the student, after having followed in good faith a regular course of clerkship, has failed to be admitted in consequence of his articles not having been registered ; and whereas it is expedient to give relief to such persons as may be placed in such circumstances : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Student may be
admitted to
practice not-
withstanding
default, to
enregister
articles and on

1. Any student whose articles shall not have been registered in the manner prescribed by the sixteenth section of the above cited Act, may nevertheless be admitted to the practice of the Notarial Profession, provided he produces a certificate from his patron or patrons declaring that he has *bonâ fide* followed

a course of clerkship in conformity with the terms of the said section, and provided that his article shall have been passed before notaries, and registered at least one month previous to his application to be admitted to practise, in the office of the secretary of the board before which it is his intention to present himself for examination; and after he has thus selected the Board before which it is his intention to present himself, it shall not be lawful for him to present himself before any other Board until after having presented himself before such Board, nor until after the lapse of at least three months, if such Board have refused to admit him.

what conditions.

C A P . X L V I I I .

An Act to amend Chapter Fifteen of the Consolidated Statutes for Lower Canada, respecting Education.

[Assented to 18th September, 1865.]

WHEREAS it would conduce to the advancement of Education in Lower Canada to extend the duration of certificates granted to teachers under the one hundred and fifth and one hundred and sixth sections of Chapter Fifteen of the Consolidated Statutes for Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
Con. Stat. L.C.
c. 15.

1. The one hundred and sixth section of chapter fifteen of the Consolidated Statutes for Lower Canada, is hereby so amended as to read thus:—

Sect. 106
amended.

“ 106. The certificates granted and to be granted by every such Board constituted under the next preceding section, shall only avail for the employment of the Teachers obtaining the same, within such County or Counties, and for such class or classes of Schools, as the Governor in Council, upon the report of the Council of Public Instruction, may from time to time ordain; and those granted after the fourth day of March one thousand eight hundred and fifty-nine, by the several Boards of Examiners in the cities of Montreal and Quebec, and in the Districts of Kamouraska, Gaspé, Three Rivers and Ottawa, and in the Counties of Sherbrooke and Stanstead respectively, shall in like manner only avail for such territorial limit, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain.”

For what Schools and places the certificates granted to teachers shall avail.

2. The Council of Public Instruction for Lower Canada, by regulation to be approved by the Governor in Council, may from time to time provide in such manner, and under such conditions as may be deemed expedient, for requiring any Teacher or Teachers holding any certificate granted by any Board

Teachers may be required to be examined *de novo*.

Board of Examiners of Teachers in Lower Canada, to submit to examination *de novo*, by such Board ; and in default of any such Teacher so doing, or in case of failure of such Teacher thereupon for any cause to obtain a new certificate, the certificate theretofore granted, shall become and be held null and void.

C A P . X L I X .

An Act to amend the Act twenty-seventh Victoria, chapter eleven, respecting the collection of School rates.

[Assented to 18th September, 1865.]

Preamble.
27 V. c. 11.

WHEREAS it is expedient to remove doubts as to the application of the Act twenty-seventh Victoria, chapter eleven, to the School Corporation of the City of St. Hyacinth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Certain powers
conferred on
the School Cor-
poration of St.
Hyacinth.

1. All the powers conferred on the Mayor and Secretary-Treasurer of the City of St. Hyacinth by the sixty-first section of twenty-seventh Victoria, chapter twenty-two, and all the powers conferred on the Wardens and Secretary-Treasurers of Counties by chapter twenty-four of the Consolidated Statutes for Lower Canada, for the collection of municipal taxes, are hereby conferred upon the School Corporation of the City of St. Hyacinth, in so far as relates to the collection of taxes and other School rates due and payable in the said city ; and the powers and duties vested in the Mayor and Secretary-Treasurer of the said City of St. Hyacinth, and discharged by them, in relation to the collection of Municipal rates in the said City of St. Hyacinth, and the powers and duties of the Warden and Secretary-Treasurer of the County of St. Hyacinth, with respect to the collection of municipal rates in the local municipalities of the said county, are conferred upon the Chairman and Secretary-Treasurer of the School Commissioners of the City of St. Hyacinth, and shall be discharged by them for the purposes of the collection of School rates in the said City of St. Hyacinth.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. L.

An Act to amend the Lower Canada Consolidated Municipal Act.

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Council and Assembly of Canada, enacts as follows :

1. Notwithstanding anything in the tenth subsection of section forty-six of the said Act, whenever a special superintendent deposits a report or *procès-verbal*, not more than one month nor less than ten clear days before the time fixed for a general session of the County Council, no special session of the Council shall be held to examine or revise the same, but it shall be examined or revised at such general session ; and the Secretary-Treasurer, within the next three days after such deposit, shall give special notice in the premises to the members of the Council, and also due public notice to the inhabitants interested. Revision of report, &c., of special Superintendent.

2. The Municipality of St. George de Windsor is hereby declared to be among the number of the municipalities exempted from the operation of the first subsection of the fifty-third section of the Lower Canada Consolidated Municipal Act, and shall be held to be on the same footing as the other Local Municipalities, which are not affected by the said first subsection of the said section. St. George de Windsor exempted from subject 1 of sect. 53.

3. The duty of revision devolved on County Councils by the twenty-fourth subsection of the fifty-sixth section of the said Act, may and shall be performed, either at their general session held in September, or at any special session to be holden for the purpose, at some period not later than the fifteenth day of September, in every year during which new valuation rolls are made. Revision of valuation rolls.

4. If, from any cause, the term for which any valuation roll for a Municipality has been or shall be made, has expired, or shall expire, before the coming into force of a new valuation roll, any assessment made, or to be made, for any purpose, during the period between the expiration of such term and the coming into force of the new roll, shall be held valid, if based upon the old roll. Case of expiration of valuation roll, provided for.

C A P. L I.

An Act respecting the erection of Towns and Villages in Lower Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Section 4 of 27 V. c. 9, repealed, and a new section substituted, in lieu thereof, for subsection 2 of sec. 36, of cap. 24 of Con. Stat. L. C.

1. The fourth section of Act passed in the twenty-seventh year of Her Majesty's Reign, chapter nine, intituled: *An Act further to amend the Lower Canada Consolidated Municipal Act, chapter twenty-four of the Consolidated Statutes for Lower Canada*, is hereby repealed, and the following section is substituted, in lieu thereof, for the second subsection of the thirty-sixth section of the said chapter twenty-four of the Consolidated Statutes for Lower Canada thereby repealed, and which shall remain repealed, namely,—“upon the presentation to a County Council of a petition applying for the erection into a Town or Village Municipality of any tract of land whatsoever, situated in a local Municipality and clearly defined in the petition, said petition being signed by at least two thirds of the inhabitants residing within the limits of the said tract of land, and entitled to vote at the election of Local Councillors, the County Council shall refer the said petition to the person appointed as Special Superintendent, with orders to visit such tract and to report on the petition.”

C A P. L I I.

An Act to amend the Acts respecting the building and repairing of Churches, Parsonage Houses, and Church-yards.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to amend the Acts respecting the erection and division of parishes, the building and repairing of Churches, Parsonage Houses and Church-yards, and Fabrique meetings, and to make better provision for the payment of debts which may remain due on buildings taken possession of by Fabriques : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 8 of c. 18, Con. Stat. L. C. amended.

1. Section eight of chapter eighteen of the Consolidated Statutes for Lower Canada, is amended by the addition after the words, “in any of the said cases, on a petition of a majority of the inhabitants (being freeholders),” in the ninth and tenth lines, of the following words, “of the territory designated in such petition.”

2. The following section shall be substituted for and read as section twenty-six of the Act above cited in lieu of the section substituted therefor, by section five of the Act twenty-seventh Victoria, chapter ten, which is hereby repealed :

Sect. 26
amended.

"No sum of money to be so raised in virtue of any act of assessment authorized by the said Commissioners, after the passing of this Act, shall be exigible and payable in less than twelve equal instalments; and the said Commissioners shall, in their judgment of homologation of the said act of assessment, determine and fix the terms or dates of such payment; Provided that such instalments do not extend over less than three, nor more than eight years."

New provision:
payment by
instalments.

Proviso.

3. The following paragraph shall be added to section thirty-two of chapter eighteen of the Consolidated Statutes for Lower Canada, in lieu of the paragraph added thereto, by section six, of the Act twenty-seventh Victoria, chapter ten, which is hereby repealed :

Sect. 32
amended.

"The assessment above mentioned shall be held to be imposed for the purposes of this section, from the day of the deposit of the act of assessment, prepared by the trustees in accordance with the second subsection of the twenty-second section of this Act."

When assess-
ment shall be
held to be
imposed.

4. Section seven of the said Act passed in the twenty-seventh year of Her Majesty's Reign, is hereby repealed, and the following is substituted therefor, and shall be read in lieu thereof :

New section
in lieu of Sec.
7 of 27 Vic.,
cap. 10.

"7. When a Fabrique shall have taken possession of a Church, Sacristy, Parsonage House or Public Hall, and any one of such buildings shall have been erected or repaired before or after the civil erection of the parish, either by such Fabrique, or by voluntary subscriptions, or by legal assessment, and moneys shall remain due to the builder or contractor of such building, or to the party who shall have lent or advanced moneys to defray the expenses of erection or repairs, in whole or in part, or to both of them, and the said Fabrique, having applied such building to the purpose for which it was erected or repaired, have ascertained the impossibility of paying such debt upon its falling due, by means of the revenues at its disposal, such Fabrique may, after an authorization to that effect given by a meeting of the parish regularly called, apply to the Commissioners in order that the church-wardens in office may be authorized to levy upon the Catholic freeholders of the parish, the sum required for the payment of the said debts, and the said church-wardens shall, in relation thereto, observe all that is prescribed by the twenty-second section of chapter eighteen of the Consolidated Statutes for Lower Canada; Provided always, that the said church-wardens, with the consent of the said Commissioners, may exempt those

Assessment to
pay debt due
on property
of Fabriques.

Proviso:
exemption of

parties who
have paid
voluntarily.

those of the said freeholders who shall have contributed towards the said erection or repairs, by voluntary subscriptions, from a portion or from the whole of the said assessment, according to the amount so paid by the said freeholders, deducting therefrom any amount which may have been repaid to them, unless the re-payment of such voluntary subscriptions shall have been otherwise provided for."

Order during
sittings.

" 1. During their sittings, the Commissioners shall adopt the same means and have the same powers, and the same authority for keeping order during such sittings, as those now conferred by law, in similar cases and for similar purposes, upon all Courts of law in this Province, or on the Judges thereof respectively during the sitting of such Courts ; "

Majority to
decide casting
vote.

" 2. The majority of the Commissioners present at any meeting shall decide all questions arising before them, and in case the Commissioners are equally divided, the President shall have a casting vote ; "

Deputing per-
son to take
evidence.

" 3. The Commissioners may, whenever they consider it expedient to do so, authorize and appoint one of their number, or another person, to take and receive the depositions of the witnesses at the place where the latter reside ; and the person so appointed shall, for the purpose of examining such witness under oath, have the same powers as the Commissioners themselves ; "

Act of assess-
ment may be
made by
majority.

" 4. Every act of assessment which may hereafter be prepared by a majority of the persons, whether trustees or church-wardens in office, authorized to that effect by the Commissioners, shall be as valid and effectual as if it had been prepared by all and each of such persons."

Sect. 8 of 27 V.
c. 10 repealed.

5. Section eight of the said Act twenty-seventh Victoria, chapter ten, is hereby repealed, and the following substituted therefor :

New section.

" 8. The Secretary to the Commissioners shall not be entitled to demand for his services and writings more than the sums hereafter enumerated, namely :

Fees to secre-
tary.

On application for civil erection or civil annexation of a parish, all petitions in opposition to any such applications and including copy of judgment.....	\$15 00
For each copy of notice of meeting.....	0 20
" decree.....	2 34
" copy of decree.....	1 00
For the original of each notice.....	1 00
For each copy of " 	0 25
For the filing of each exhibit.....	0 20

For

For detailed list of each exhibit.....	0 25
For homologation of act of assessment.....	4 00
For certificate of homologation at foot of act of assessment	1 00
For copy of an act of assessment, six cents per hundred words, and for the certificate on the copy.....	1 00

"In case of contestation, or personal attendance on the spot, it shall be lawful for the Commissioners to fix an adequate rate of remuneration, paying due regard to the additional proceedings arising out of such contestation, or such personal attendance, or both, as the case may be."

Commissioners may fix fees for certain services.

6. It shall be lawful for any Fabrique to borrow money and grant mortgages or hypothecs on the real estate of the said Fabrique for the sums loaned, provided no such loan shall be made and no such mortgage shall be granted, unless the canonical regulations with respect to the same shall have been complied with, nor unless the authorisation of the parishioners shall have been first obtained at a meeting called and held in the manner required for all extraordinary expenditure of the said Fabriques, except in the parishes where such meetings are not required by law or usage; provided that this clause shall have no retroactive effect, import or meaning; but the rights of all parties shall be determined by the Courts of Justice according to law, so that this clause shall not in any way affect or influence such determination.

Fabriques may borrow money, on mortgage. Proviso.

Proviso.

7. And for the removal of doubts, it is declared and enacted, that whenever any land has been or shall hereafter be sold, conveyed or devised by any person or corporation not liable to assessment under section twenty-three of the Act first above cited, to any person, party or corporation professing the Roman Catholic Religion, and such land has thereafter become or shall become liable to assessment under either of the Acts hereby amended, the hypothec or charge for such assessment has ranked and shall rank after any privilege of *baillieur de fonds* in favor of such vendor, and after any hypothec or privilege anterior to such sale, conveyance or devise; any thing in either of the said Acts to the contrary notwithstanding.

As to effect of sales by Protestants to Roman Catholics.

8. If within the said period no opposition is made to the said civil recognition of the said canonical decree, the said Secretary shall transmit the said canonical decree to the Governor, together with a certificate signed by him to the effect that no opposition has been filed with him within the said period.

If no opposition is made within the time limited, Secretary to certify to Governor.

9. On receipt of such decree and certificate, the Governor may, without any *procès-verbal* or report from the Commissioners, issue a Proclamation under the Great Seal of the Province

Governor may issue proclamation.

Province as provided for in section fifteen of the said chapter, which Proclamation shall have and produce the same effects as a Proclamation issued in virtue of a *procès verbal* and report of the said Commissioners.

Parish of St. Norbert du Cap Chat recognized and described.

10. From and after the passing of this Act the parish of St. Norbert du Cap Chat, comprising parts of the Townships of Cap Chat and Romieux, the limits and extent of which were established by a Canonical Decree of the Bishop of Tloa, administrator of the Diocese of Quebec, dated the tenth day of May, of the year one thousand eight hundred and sixty-four, as follows, that is to say : towards the north-east by the parish of Ste. Anne des Monts ; towards the north-west by the river St. Lawrence ; towards the south-west by the line of division between the twentieth and twenty-first lots in the six first ranges of the said Township of Romieux ; towards the south-east by the seventh ranges of the said Township and of the Township of Cap Chat, and comprising a tract of land of about eight miles in front by about five miles in depth, shall be and is hereby recognized and erected as a parish for all civil and political purposes whatever, in the same manner as if it had been erected by Proclamation according to law ; and the said part of the parish of Romieux, comprised within the limits of the said parish, shall, from and after the passing of this Act, in compliance with the prayer of the petition of freeholders of the said parish of Saint Norbert, form part of the County and District of Gaspé for all parochial, electoral, judicial, municipal, school and registration purposes :

Part of Township of Romieux to be in Gaspé.

Township of Romieux not discharged from its obligations.

2. But nothing herein contained shall be construed to discharge the said part of the Township of Romieux from any municipal, school or other debt contracted by the said Township before the passing of this Act.

Recital as to Seigniorship of Terrebois, in parish of St. Antonin.

11. And whereas the whole of the freeholders of a certain part of the Seigniorship of Terrebois, in the County and district of Kamouraska, have, by their petition, represented that by a Canonical Decree, dated the tenth day of April, of the year one thousand eight hundred and sixty-five, rendered by the said Bishop of Tloa, administrator of the Diocese of Quebec, in compliance with the request by them made to that effect, the said part of the said Seigniorship was annexed to the Parish of St. Antonin, in the County of Temiscouata, in the said District, and that it is very inconvenient for them in their civil and political relations to belong to different civil divisions, it is hereby enacted that from and after the passing of this Act the said part of the said Seigniorship described in the said Decree as follows, that is to say : bounded towards the north and north-east by the parish of Saint Antonin ; towards the west and north-west by the river called *Grande Rivière du Loup* ; towards the south-west partly by the line dividing the land of Pierre Caron from the land of Mrs. Widow Jean Charles Taché,

Part of the said Seigniorship to be in parish of St. Antonin.

in

in the fifth concession of the said Seignior of Terrebois ; and partly by the south-west line of the land of Cajetan Dubé, situate in the sixth concession of the said Seignior and the prolongation thereof in a straight line as far as the Township of Parke ; and towards the west by the said Township of Parke, shall form part of the said parish of St. Antonin and of the said County of Temiscouata, for all civil, electoral, municipal, school and registration purposes :

2. But nothing herein contained shall be construed to release the said part of the said Seignior from liability for the payment of any debt contracted for municipal, parochial or other purposes before the passing of this Act.

Proviso : not to be released from its obligations.

12. This Act shall be interpreted, to all intents and purposes, as forming part of chapter eighteen of the Consolidated Statutes for Lower Canada.

Interpretation.

C A P . L I I I .

An Act to provide for the Preservation of Standing Timber.

[Assented to 18th September, 1865.]

WHEREAS in most of the old Counties of Canada, the inhabitants experience serious difficulty in obtaining wood for fuel and building purposes, and whereas it is advisable to profit by past experience, and to adopt measures, while there is yet time, to prevent the inhabitants of new Townships from being subjected to similar inconveniences : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Whenever it shall be considered expedient to erect into a Township, any certain extent of the waste lands of the Crown in this Province, it shall be the duty of the Commissioner of Crown Lands to set apart in such Township a reserve of wood land which shall form not more than one-tenth nor less than one-twentieth of the superficial area of such Township, and the limits whereof shall be fixed and defined at the time of the erection of such Township, and the Commissioner shall, whenever he deems it expedient, make a reserve for a like purpose in all townships already erected, and in which the Crown owns a sufficiency of wood land.

Reserve of wood lands to be set apart in each new Township.

2. Such reserve may be in a single lot, or divided into several lots according to circumstances.

Such reserve may be divided

3. And to provide for the difficulties which might arise respecting the rights and duties as between neighbors (*droits de voisinage, découverts, fences, ditches, and all others.*) which the inhabitants

As to droits de voisinage.

inhabitants residing on the lots contiguous to such reserve might claim, the patents of the lots so situated shall contain a condition binding the proprietors, tenants or occupants of such lots, to renounce for ever any claim to all rights and duties as between neighbors (*droits de voisinage*), and a reduction may be made in the selling price of such lots in consideration of the disadvantages which might result from the preceding provision, if the Commissioner of Crown Lands deems it advisable.

Management of
reserve.

4. The Governor in Council may transfer the control and management of every such reserve to such municipal or other authorities willing to undertake the same, as he shall think proper to select, and under such conditions as he shall impose.

Cap 25 Con.
Stat. Can. not
affected.

5. Nothing in this Act contained shall have the effect of restricting in any way whatsoever, the rights, powers and privileges conferred by Chapter twenty-five of the Consolidated Statutes of Canada.

Act limited to
L. C.

6. This Act shall apply only to Lower Canada.

C A P . L I V .

An Act to facilitate Prosecutions under the Act respecting Tavern-Keepers and the Sale of Intoxicating Liquors.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Subjects. 4, 5
of Sect. 14 of
c. 18 of 27, 28
V. to apply to
certain cases.

1. The fourth and fifth subsections of the fourteenth section of the eighteenth chapter of the Statutes of Canada, passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, shall apply to all prosecutions instituted under the Act, forming chapter six of the Consolidated Statutes for Lower Canada, respecting Tavern-keepers and the Sale of Intoxicating Liquors, but with the omission of the word "such," where it occurs the second time in the first line of the said fourth subsection.

Cap. 6 Con.
Stat. L. C.
amended.

2. In the said chapter six of the Consolidated Statutes for Lower Canada, the words "Justices of the Peace" shall include a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate or Mayor, or two other Justices of the Peace, as the case may be.

C A P . L V .

An Act to amend Chapter Seventy-five of the Consolidated Statutes for Lower Canada, respecting the division of Lower Canada into Counties, in so far as it relates to the Counties of Rimouski and Gaspé.

[Assented to 18th September, 1865.]

WHEREAS it is desirable, with the view of promoting the effectual carrying out of the laws relating to Municipalities, Registration, Schools and other matters, that when portions of one or more Townships are canonically erected into a Parish, the entire territory constituting such Parish should be annexed to, and included within one of the Municipalities to which some portion of the said Parish belongs ; and whereas the Parish of St. Norbert du Cap Chat, in the Township of Cap Chat, in the County of Gaspé, comprises within its limits as canonically erected a portion of the Township of Romieux, in the County of Rimouski, and it is expedient that the said portion of the said Parish shall, when the civil recognition thereof has been obtained, be annexed to the County of Gaspé : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. So soon as the Parish of St. Norbert du Cap Chat, as canonically erected by decree, bearing date the tenth day of May, one thousand eight hundred and sixty-four, shall have obtained civil recognition, all that portion of the said parish which now forms part of the Township of Romieux, in the County of Rimouski, shall be detached from the said township, and be annexed to and included within the Township of Cap Chat, in the County of Gaspé, for the purposes of representation, and for all parochial, municipal, judicial, registration, school and other purposes whatsoever to all intents, as though the whole of the said parish had always been included in the said last township and county.

Preamble.

Part of Romieux to be in County of Gaspé when St. Norbert is recognized as a Parish for civil purposes.

2. This Act shall not have the effect of discharging the said portion of the Township of Romieux from any municipal, school or other debts which it may have contracted, or for which it might be held responsible while forming part of the said township.

Not to effect obligations of Romieux.

C A P . L V I .

An Act further to provide for the deepening of the
Ship Channel between Montreal and Quebec.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it appears that there is a still subsisting agreement between the Provincial Government and the Harbour Commissioners of Montreal, whereby the latter have undertaken to complete the deepening of the Ship Channel through Lake St. Peter, and between Montreal and the tide water above Quebec ; and that it is necessary that in order to enable them to complete their said engagement, the said Harbour Commissioners should be empowered to borrow a further sum of money : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Harbour Corporation may borrow £35,000 sterling to complete their engagement to deepen the channel from Quebec to Montreal.

1. For the purpose of enabling the corporation of the Harbour Commissioners of Montreal to carry out their agreement with the Provincial Government, to complete the ship channel in Lake St. Peter and in the River St. Lawrence, to the depth of not less than twenty feet at low water, and three hundred feet wide, throughout the said channel between Montreal and the tide water above Quebec, it shall be lawful for the said Corporation to borrow, either in this Province or elsewhere, at par, in such sums and for such number of years, and at such rates of interest, not exceeding eight per cent. per annum, as may be found expedient, any sum or sums of money not exceeding in the whole the sum of twenty-five thousand pounds sterling, and to expend the same for the said purpose, in such manner as may be best calculated to complete the ship channel aforesaid.

Out of what funds such loans shall be repaid.

2. The sums of money which may be borrowed under the last preceding section, together with the interest thereon, shall be paid out of the revenue arising from the dues, rates and penalties levied, and to be levied within the said Harbour of Montreal.

Machinery, &c., now in use not to be sold.

3. And whereas the steamers, dredges, vessels, machinery, tools and implements, constructed by the Province, and placed under control of the said Harbour Commissioners, and referred to in the first section of the twenty-seventh and twenty-eighth Victoria, chapter twelve, are now worn out and replaced by others, it is therefore enacted, that all the steamers, dredging vessels, scows, machinery, tools, chains and other implements now in use, for the improvement of the channel to a depth of twenty feet at low water, (or when there are eleven feet on the flats of Lake St. Peter,) shall not be disposed of or sold by the Commissioners, until the said improved channel is completed.

4. Any provision in the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter twelve, which is inconsistent with this Act, is hereby repealed. Inconsistent enactments repealed.

CAP. LVII.

Vide Cap 57 Vic 29-30

An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to amend and consolidate the several Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

CORPORATION.

1. The inhabitants of the City of Quebec shall form and are and shall be and continue to be a body corporate in fact and in name, by and under the name and title of the "Corporation of the City of Quebec," and shall be trustees, and responsible as such for the due performance of the trust. Incorporation and name.

CORPORATE NAME AND GENERAL POWERS.

2. The said Corporation has and shall have perpetual succession, and a common seal, with power to break, renew, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and may accept, take, purchase and hold goods and chattels, lands and tenements, real and personal movable or immovable estate, and may grant, sell, alienate, assign, demise and convey the same; and may enter into and become a party to contracts; and give and accept any bills, bonds, judgments, or other instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance or securing the performance of any duty, matter or thing whatsoever, as hereinafter provided. Corporate powers, holding property, &c. Bills and notes, &c.

BOUNDARIES OF THE CITY.

3. The City of Quebec, for all municipal purposes, comprises the whole extent of land within the limits assigned to the said city by a certain proclamation of His Excellency Sir Alured Clarke, bearing date the seventh day of May, one thousand seven hundred and ninety-two, and in addition thereto, all land Boundaries defined.

land extending to low water mark of the River St. Lawrence, in front of the said city, including the shore of the River St. Charles, opposite the said city, as limited by high water mark on the north side of the said river, from the prolongation of the west line of St. Ours street, to the west line of the farm of the Nuns of the Hôtel-Dieu, thence running southward, along the said line about five hundred and fifty feet, to the southern extremity of a pier erected on the said farm, at low water mark; thence running due east, about eight hundred feet, to the intersection of the line limiting the beach grants of the seigniory of Notre-Dame des Anges, at low water; and finally thence along the said beach line running north forty degrees east, to the intersection of the prolongation of the line of the Commissioners for the Harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the city; the said city also comprises all wharves, piers and other erections, made or to be made in the said River St. Lawrence, opposite to or adjoining the said city, though extending beyond the low water mark of the said river, and being within the said Commissioners' line and even beyond the same, should it be hereafter extended or reduced.

BOUNDARIES OF THE WARDS.

Eight wards. 4. The said city is divided into eight wards, to wit:—St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward and Montcalm Ward, and these wards are respectively bounded as follows:

St. Lewis. St. Lewis Ward comprises all that part of the Upper Town within the fortifications, and south of a line drawn from Prescott Gate to St. John's Gate, along the middle of Mountain street, Buade street, Fabrique street, and St. John street.

Palace. Palace Ward comprises all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward.

St. Peter's. St. Peter's Ward comprises all that part of the Lower Town bounded on the south by a line drawn in the middle of Sous-le-Fort street, and prolonged in the same direction to low water mark in the River St. Lawrence at the one end, and to the cliff below the castle of St. Lewis at the other, and on the west by the eastern limits of the parish of St. Roch, together with all the wharves, piers and other erections, opposite to this part of the Lower Town, although built beyond low water mark in the said river;

Champlain. Champlain Ward comprises all that part of the Lower Town lying between St. Peter's Ward and the limits of the said city, together with all wharves, piers and other erections, opposite thereto, although built beyond the low water mark in the said river;

St. Roch's Ward comprises all that part of the parish of St. St. Roch's. Roch which lies within the limits of the said City of Quebec, on the north-west side of a line drawn in the middle of St. Joseph street, from one end to the other ;

Jacques Cartier Ward comprises all that part of the parish Jacques Car- of St. Roch which lies within the limits of the said City of tier. Quebec, not comprised in the St. Roch's Ward ;

St. John's Ward comprises all that space bounded by Jacques St. John's. Cartier Ward, the fortifications, the limits of the said city on the west, and a line drawn in the middle of St. John street from St. John's Gate to the western limits of the city.

Montcalm Ward comprises all that space bounded by the Montcalm. fortifications on the east, and on the west by the city limits, on the north by St. John's Ward, and on the south by the *cime du* cap of the St. Lawrence.

OF THE CITY COUNCIL.

CONSTITUTION.

5. From and after the third Monday in January, next after the passing of this Act, the council of the city shall consist of the mayor and of eight aldermen and sixteen councillors, being one alderman and two councillors for each ward ; aldermen and councillors shall hold office for three years : Council, how composed.

2. The mayor shall be elected by a majority of the votes of such of the electors of the said city as are qualified to vote for aldermen of the said city, being proprietors of real estate within the city, of the assessed annual value of fifty dollars or upwards, and whose names are on the voters' lists for mayor, hereinafter provided for ; he shall hold office for one year ; Mayor, by whom elected. Term of office.

3. The mayor shall receive out of the funds of the said city, a salary to be fixed by the council, and which shall not exceed twelve hundred dollars, nor be less than six hundred dollars ; Salary of mayor.

4. From and after the third Monday in January, next after the passing of this Act, each ward of the city shall be represented in the city council by one alderman and two councillors, who shall be severally elected for three years, by the duly qualified electors of such ward ; How each ward shall be represented.

5. One third part of the said council shall be renewed annually, by the retirement of one member of the council from each and every ward ; One third to retire yearly.

6. The vacancies which shall occur at the end of the now current municipal year, by the retirement of a councillor from each Vacancies at end of current year.

each ward of the city, shall be filled by the election of an alderman for each ward ;

Present mayor ; term of office.

7. The person who shall be mayor of the said city at the time of the passing of this Act, shall continue to hold the said office until the election of his successor under this Act, unless he sooner resign his seat in the said council, under the provisions of subsection eleven of section eight of this Act, or vacate his office under the provisions of the ninth section of this Act ;

Present councillors.

8. Every person who shall be a councillor of the said city at the time of the passing of this Act, shall continue to hold his office as such until the end of the term for which he was elected such councillor, unless he sooner resign or vacate his seat as aforesaid.

QUALIFICATIONS OF THE MAYOR AND OF MEMBERS OF THE COUNCIL.

Property qualification.

6. No person shall be capable of being elected or holding office as mayor, alderman or councillor of the said city, unless he has been a resident householder within the said city, for one year next before such election, nor unless he be, at the time of his election, and continue during the period of his tenure of office to be, seized or possessed, to his own use, of real estate, within the said city, free from all incumbrances, of the value of two thousand dollars ; nor unless he be a subject of Her Majesty, by birth or naturalization, and of the full age of twenty-one years :

To be British subjects.

Declaration of qualification.

2. Every candidate for election as mayor, alderman or councillor, before being capable of acting as such, shall, besides taking the oath of allegiance and qualification required by the next following subsection, deposit with the city clerk, a declaration, in writing, to the effect that he possesses the qualifications above mentioned, and he shall insert at the foot of the declaration, a correct description of the lands on which he claims to be qualified to be elected ;

Oath of allegiance and qualification.

3. Neither the mayor nor any alderman or councillor shall be capable of acting as such, until he shall have taken the oath of allegiance and of qualification, contained in the Schedule A of this Act ;

Certain persons disqualified.

4. No person being in Holy Orders, or being a minister or preacher of any dissenting sect, or religious congregation, nor any judge, nor clerk of any court, nor any member of the Executive Council, nor any person accountable for the city revenue, or receiving any pecuniary allowance from the city for his services, nor any clerk or assistant employed by him at any such election, while so employed ; nor any person convicted of treason or felony in any court of justice in any of Her Majesty's

Majesty's possessions ; nor any contractor with the corporation, or who has a share in any contract or agreement, or is the surety of any contractor with the said corporation, shall be capable of being elected mayor, alderman or councillor for the said city.

QUALIFICATIONS OF ELECTORS.

7. No person shall be entitled to vote for mayor, alderman or councillor, unless he be at least of the age of twenty-one years, and assessed as provided for by this Act, and have paid his assessments one month at least before such election, nor unless he be a subject of Her Majesty, by birth or naturalization, nor unless his name be on one or both of the voters' lists, for mayor and aldermen and for councillors, for the ward in which he desires to vote :

General qualification.

2. No person shall be entitled to vote for mayor or alderman unless he be a proprietor of real estate within the said city, of the assessed annual value of fifty dollars or upwards, nor unless his name be on the voters' list of those qualified to vote for mayor and aldermen, for the ward in which he desires to vote ;

To vote for mayor or alderman.

3. No person shall be entitled to vote for a councillor as proprietor, unless the assessed annual value of his property amounts to at least eight dollars, nor as coproprietor unless his share of the annual value of the property be assessed at the same amount, nor unless his name be on the voters' list for councillors of the ward in which he desires to vote ;

To vote for councillor as proprietor.

4. No person shall be entitled to vote for a councillor as a tenant, occupant or usufructuary, unless the assessed annual value of the property he occupies, or of which he has the enjoyment, amounts to the sum of thirty-two dollars, nor unless his name be on the voters' list for councillors as aforesaid ;

As tenant.

5. No person being an officer or servant of the Corporation, and receiving any fixed and regular income or wages from the Corporation as such, shall be entitled to vote at any election for mayor, alderman or councillor in the said city.

Persons disqualified.

VACANCIES, &c.

8. If a vacancy should occur, during any municipal year, in the office of mayor, the city council shall, at the first meeting of the said council thereafter, elect from among the members of the said council another fit person to be mayor for the remainder of the period for which the mayor whose place is to be supplied, was to serve, but such election by the Council shall not render vacant the seat of the member so elected :—

Mayor vacating.

Mayor absent,
&c.

2. Whenever the mayor is absent from the city, or is incapable from sickness of discharging his duty, the council shall elect from among its members, one who, during such absence or sickness shall possess all the power, authority and rights vested in the mayor, under the name of "acting mayor;"

Fine for refusing
office, &c.

3. Any person duly elected to the office of mayor who refuses to accept the same, shall pay a fine of four hundred dollars; and if the mayor absent himself from the city during more than three consecutive calendar months (except in case of sickness or on public business), he shall in such case cease to hold office as mayor, and shall be liable to the penalty appointed for refusal to accept such office;

To be a J. P.

4. The mayor shall be *ex officio* a Justice of the Peace for the City and District of Quebec;

Alderman or
councillor
vacating.

5. All extraordinary vacancies in the office of alderman or councillor shall be filled and supplied for the remainder of the term of office on a day to be appointed by the mayor, in the same manner and way as when the ordinary term of office of alderman or councillor expire;

Penalty for
refusing office
&c.,

6. Any person who neglects or refuses to accept the office of alderman or councillor, after having been duly elected thereto; and any alderman or councillor who neglects or refuses to discharge his duty as such, or absents himself from the city, during more than six consecutive calendar months (except in case of sickness, or on the business of the said corporation), shall incur a penalty of two hundred dollars, and the seat of such alderman or councillor shall thereby become vacant;

Notice of
acceptance.

7. Every alderman and councillor shall within forty-eight hours, after he shall have been notified of his election, give notice in writing, to the city clerk, of his acceptance of the office;

If elected for
more than one
ward.

8. Every alderman or councillor elected for more than one ward of the city, shall, within three days after he has received notice thereof, make his choice, in writing, to the city clerk, and on his default, the mayor shall declare for which one of the said wards such person shall serve;

Penalty for not
giving notice.

9. Any person elected to the office of alderman or councillor who fails to give the city clerk the prescribed notice, shall incur a penalty of two hundred dollars, and a new election shall be held to fill any vacancy occasioned by such double election, or by the non-acceptance or failure on the part of the member elected to discharge the duties of his office as such;

To be J. P's.

10. Every alderman and councillor shall be *ex officio* a Justice of the Peace for the City of Quebec;

11. The mayor or any alderman or councillor may, at the expiration of six months tenure of office, and with the consent of three-fourths of the members of the council present at any meeting of the said Council, resign his office or seat in the said Council. Resigning with leave, &c.

DISQUALIFICATIONS.

9. If the mayor or any alderman or councillor shall be declared insolvent, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or compound with his creditors, or being mayor shall be absent from the city for more than three calendar months, or being an alderman or councillor, for more than six calendar months, at one and the same time, except on account of illness or public business; or if the mayor or any alderman or councillor shall have a share in any contract or agreement with the said corporation, either directly or indirectly, or shall be the surety of any contractor with the said corporation, or derive any emolument or advantage, either directly or indirectly, from any such contract with the said corporation, the office of mayor and of such alderman or councillor shall thereby become vacant; and in case of there being any such contract or surety, the mayor, alderman or councillor concerned therein shall be liable to a fine of one hundred dollars, to be recovered before the Recorder's Court of the City of Quebec, for each and every day that such mayor, alderman or councillor shall thus illegally hold office as such mayor, alderman or councillor. Disqualifying acts and circumstances.

Contracts with corporation.

EXEMPTIONS.

10. The persons hereinafter mentioned shall be exempted from serving in any municipal office, to wit: Persons exempt.

2. All persons above the age of sixty-five years who shall claim exemption within five days after having received official notice of their election; Age.

3. All persons disabled by lunacy or imbecility of mind; Lunacy, &c.

4. All military, naval or marine officers in Her Majesty's service on full pay, Members of the Provincial Legislature, the Judges of any Court of Law residing in the said city, the Adjutant-General and Deputy-Adjutants-General of Militia, Officers of the Customs, Sheriffs and Coroners, Schoolmasters, the clerks and commissioned officers of the Legislature and of the Executive Council, and the Postmaster and his deputies; Public servants

MUNICIPAL ELECTIONS.

VOTERS' LISTS.

11. Before the first day of November in each and every year the assessors shall prepare for each ward, from the assessment books Lists to be prepared, when books

and by whom,
and publication.

books for the then current year, two alphabetical lists, the one being a list of all persons who shall appear by such books to be assessed at rates sufficiently high to entitle them to vote in such ward for mayor and aldermen and the other being a list of persons qualified as aforesaid to vote for councillors, and shall certify each of such lists, and give them to the city clerk before the said first day of November, to be posted up in his office where they shall remain posted up til the fifteenth day of the said month of November, both days included, from nine o'clock in the morning till four o'clock in the evening, and the City Clerk shall, before the said first day of November and up to the said fifteenth day of November, cause a notice of there being so deposited in his office to be published in one French and in one English newspaper in the said city :

Electors
omitted.

2. Any elector who shall desire to have his name added to the lists, or either of them, of any ward, or to have any name erased therefrom, shall prefer his request, in writing, and over his own signature, indicating his place of residence, and the name of the ward in which he resides, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of November, at four o'clock in the evening ;

Board of
Revisors.

3. The Mayor of the City of Quebec, the Recorder of the said city, the Judge of the Sessions of the Peace in and for the said city, shall form a Board of Revisors to revise the said lists of voters, and the Mayor shall preside at the meetings of the said board ;

President of
Board.

4. In case of the absence, for any cause whatever, of the chairman of the board, the members of the said board then present as aforesaid, may chose one of themselves to preside at the meeting in the absence of the chairman, and the member so chosen will be vested with all the rights conferred by this Act on the ordinary chairman of the board ;

Quorum.

5. Two of the members present at any meeting of the board may exercise all the powers and attributes conferred on the board by this or any other Act ;

Oath of office.

6. Before entering on their duties, the members of the said board shall make oath before a Justice of the Peace for the District of Quebec, impartially to discharge the duties of their office, and an entry of the said oath of office having been taken shall be made in the minutes of the meeting of the said board ; but each member shall take the said oath of office once only during the time he will act as member of the said board ;

Meeting.

7. The said board shall meet on the twentieth day of November of each year, in the City Hall, at the hour specified in the notice to be given for that purpose ; if the said day is a Sunday or a holiday, the meeting shall be held on the next following juridical day ;

8. If by some unforeseen cause or accident a sufficient number of the members of the said board are unable to be present on any one of the days fixed by this Act, the said board may adjourn to the following day, and notice of the adjournment shall be given to each member of the said board ;

Adjournments.

9. The board shall, each year, at the time hereinbefore mentioned, revise the lists of such voters, and shall admit or reject to the best of its judgment, the legal claims or demands for the insertion of additions to or erasures from the said lists ;

Revision.

10. They shall hear persons present who have made the demands or claims or their duly authorized attorneys ; and may admit or reject the same, and adjourn from time to time until all the lists shall be revised ;

Hearing claim.

11. After hearing the best attainable evidence, the said board may determine and order such names to be added to or erased from the said lists, conformably to the legal claims admitted by the said board ;

Decision.

12. The board may supply or correct any error or omission of the said lists made by the assessors, without, however, adding or striking off any name when no demand for that purpose has been made and admitted ;

Corrections.

13. The chairman of the board may examine under oath (which he is hereby empowered and enjoined to administer), all persons examined as witnesses before the said board, and the clerk of the board shall make an entry of their names in the minutes of the proceedings of the meeting ;

Examining on oath.

14. The death of any person whose name has been entered in the said lists shall be proved by legal certificate of his death, or by the written deposition, sworn to before a Justice of the Peace of the District of Quebec, of two or more credible witnesses ;

Proof of death of voter.

15. No person shall have his name erased from any list without being heard in person or by attorney, and notice of any demand for the erasure of a name shall be given to the party interested (if he be a resident within the City of Quebec, or to be found therein), and of the day, the place and the hour, when such application will be made ;

Right to be heard.

16. The city clerk shall be the clerk of the said board ; shall keep the minutes of its proceedings, and shall sign them, and also all the notices required by this Act ;

Clerk.

17. Four days at least immediately previous to the said twentieth day of November, the said clerk shall give notice in two newspapers published in the said city, in the French and English

Notice of meeting, &c.

English languages respectively, of the day, place and hour, when the said board will meet to revise the said lists, and determine the said demands, appointing the order in which the said board shall revise the said lists ;

Filing claims.

18. All claims or demands in relation to any names being added on or erased from the said lists, must be filed in the office of the City Clerk, to or before the fifteenth day of November of each year, and not later ; and after the said day no claim or demand will be received by the said clerk ;

Completing revision.

19. The revision of the said lists shall be completed on the tenth day of December following, and the clerk of the said board shall sign each list so revised, and affix thereunto the city seal, the chairman of the board having previously signed the same ;

Penalty on member refusing to act.

20. If any member of the Board of Revisors appointed as such by or in virtue of this Act, shall neglect or refuse to perform any of the duties required of him by this Act, he shall incur a penalty of eight hundred dollars.

OF CANDIDATES.

NOMINATION OF AND RECEPTION OF VOTES.

Custody of lists.

19. So soon as the voters' lists shall be revised, corrected, signed and sealed in conformity with this Act, they shall be again placed in the City Hall, under the care of the city clerk, until the close of the election, after which they shall remain in the archives, in the office of the said city clerk :

Nomination of candidates.

2. On the first Monday of December in each year, or the first juridical day thereafter, if the first Monday should be a holiday, the nomination of candidates for the office of Mayor shall take place at the City Hall, and the nomination of candidates for the office of Alderman and Councillor shall take place at the places named in each ward by the city council ;

Notice of nomination.

3. Three days at least before the nomination, the city clerk shall give notice, to be published in one French and in one English newspaper published in the said city, of the time and place or places where such nominations of candidates for the offices of Mayor, aldermen and councillors respectively shall take place ; and at the time and place named, any two electors, duly qualified to vote for the candidate they intend to propose, may nominate a candidate ; and (as regards the nomination of candidates as aldermen and councillors) such two electors shall belong to the ward for which they make the nomination of a candidate to the office of alderman or councillor ; if there shall be but one candidate for the office of Mayor, alderman or councillor, he shall be forthwith declared elected ;

4. If there shall be more than one candidate, the presiding member of the council, named for this purpose by the city council, shall grant a poll, and no vote can afterwards be received for any other than the candidates so nominated ;

Granting Poll.

5. When a poll is granted for the election of the Mayor, the voting shall take place in all the wards at the places and at the time appointed by the Council prior to the tenth day of December in each year, and the provisions next following respecting elections, shall, as respects the conducting of the election generally, apply to the election of the Mayor ;

Poll for mayor.

6. When a poll is granted for the election of an alderman or councillor, the voting shall take place in the ward for which the poll has been granted, at the place appointed by the council at one of its sittings, prior to the tenth day of December in each year ; and the voting shall begin on the fifteenth day of December in each year, or if that be a holiday, then on the first juridical day thereafter, and shall continue on such day, and on the next juridical day thereafter only ; the poll shall be opened each juridical day at nine o'clock in the morning, and shall be closed at four of the clock in the afternoon each day ; and three days at least, previously to the voting, the city clerk shall give notice, to be published in one English and in one French newspaper in the said city, of the time and place or places where the said voting shall take place ;

For alderman or councillor.

Two polling days : hours.
Notice.

7. The voting in each ward shall be presided over by such member of the council as shall have been named for that purpose by the said council, at one of its meetings, held previously to the tenth day of December in each year ;

Who to preside.

8. As soon as a poll shall have been granted for any ward, the city clerk shall prepare correct copies of the voters' lists for such ward, for Mayor and aldermen and for councillors respectively, or of such one of the said lists as may be required for the election, for which a poll has been granted, and affix his signature and the seal of the city thereto ;

Copies of lists to be furnished.

9. He shall afterwards certify on each of the said copies under oath before a Justice of the Peace for the District of Quebec, that they are correct copies of the voters' lists for Mayor and aldermen and for councillors respectively for such ward for the current year, and shall thereupon forthwith transmit the said copies of the said voters' lists for such ward to the member of the council appointed to preside at the election in such ward ;

To be certified and transmitted.

10. Every person whose name shall appear in the said copy of the said voters' list for Mayor and aldermen for the said ward, thus transmitted to the member of the council presiding at the election, shall be entitled to vote at the election of a person

Persons on lists to be voters.

Voters oath.

person to be the Mayor of the city and of an alderman for the ward for which such list shall have been made, and every person whose name shall appear on the copy of the voters' list for councillors shall be entitled to vote at the election of a councillor or councillors for the ward for which such list shall have been made, and without taking any oath other than that indicated in Schedule A annexed to and forming part of this Act, which oath the member of the council presiding as aforesaid shall have power to administer ;

Poll books.

11. The city council shall cause books to be prepared, one of which shall be delivered by the city clerk to each member of the council so named, to preside at such election as aforesaid, at least twenty-four hours before the voting shall commence, in which shall be written under separate headings and under the supervision of the said member of the council, during the said voting, the name of each voter who shall vote in the ward where such member of the council presides, together with the name of the candidate for whom such voter shall vote ;

How kept.

12. Separate and distinct columns shall be kept in the said book, at the head of which shall be written the names of the candidates for the office of Mayor, alderman and councillor for whom the electors are to vote, and as each elector votes his vote shall be recorded by the poll clerk by making the figure 1 in the column opposite the voter's name, and in the column at the head of which appears the name of the candidate for which the elector shall have voted ;

Oath may be demanded of voter.

Entry in Poll book.

13. Upon the demand of any candidate, or his duly authorized agent, or any duly qualified elector in such ward, the member of the council presiding shall administer to any voter the oath in Schedule A of this Act : If the voter refuse to take the said oath, the words " refused to swear " shall be written opposite his name, and he shall not be allowed to vote ; if the voter take the oath, the word " sworn " shall be written opposite his name, and his vote shall be received and registered ; in either case the name of the person who demands the oath to be administered shall be written down in the said book in a column to be provided for that purpose ;

Poll clerk.

14. The mayor shall appoint a clerk for each ward to enter in the poll book under the supervision of the member of the council presiding, the names of all the voters who vote in the ward for which he is appointed, and to make all the entries therein prescribed by this Act ; and such clerk before acting shall take, before the mayor or some member of the council, the oath in the Schedule B appended to and forming part of this Act ;

Oath of office.

Voting in more than one ward.

15. Every voter may vote for candidates for the office of alderman or councillor in every ward in which his name shall be

be found legally inscribed on the proper list of voters, but he shall not vote more than once in each ward ;

16. Every duly qualified voter may vote for the candidates for the office of mayor in one ward only, and if his name should be found inscribed in several lists of voters, he shall vote in the ward in which he resides, if he should be qualified, but if he should not be qualified, or if he resides outside of the city limits, he shall declare in writing over his name, at least one month before the election, such declaration being addressed to the city clerk, in which of the wards in which he is qualified he desires to vote for such candidates, in default of which he shall be debarred from the right of voting at the election of Mayor ;

In one only for mayor.

Choice of ward to vote in.

17. In the event of the decease, or absence, from illness or otherwise, of the member of the council appointed to preside at any election as aforesaid, or of any poll clerk appointed as aforesaid, it shall be the duty of the mayor forthwith to appoint another member of the council or poll clerk, to replace the one so absent ; and such new poll clerk shall, before acting as such, take the oath, before the mayor or some member of the council, contained in Schedule B of this Act ;

Decease, &c., of person appointed to preside.

18. At the close of the voting each day in each ward as aforesaid, the presiding member of the council shall add up and ascertain the number of votes recorded in the said poll book, for and in favor of each candidate for the office of mayor, alderman and of councillor respectively, and return the said book to the city clerk immediately after the close of the election, and after having taken and subscribed an oath at the foot of the said book, which oath he shall take before the Recorder, the Mayor or any member of the council, and which shall be in the form of the oath contained in Schedule C appended to this Act, and of which it forms part.

Counting votes; and return of Book.

Oath.

POWERS OF MEMBERS PRESIDING AT ELECTIONS.

19. Every member of the council who presides at such nomination or election in any ward of the city, shall have full power and authority to maintain order and preserve the peace, and if any offence should be committed in his sight, or be proved by information upon oath of one credible witness sworn before and by him, he shall have full power to cause to be arrested on his verbal order, and to imprison upon his warrant for twenty-four hours, in the common gaol of the District of Quebec, any person who shall not maintain order, or preserve the peace, or who shall be armed with any club, stick, bludgeon, or other offensive weapon, or who shall carry any flag, color, banner, ribbon or cockade or other badge, or distinctive mark whatever, to indicate which candidate he supports, or who shall disturb or threaten to disturb the peace or who shall

Maintaining peace and order.

Imprisoning offenders.

shall wilfully hinder or attempt to hinder any elector from exercising his rights as such, or who shall interrupt in any manner the proceedings of any such nomination or election :

Orders to be obeyed, by constable, &c.

2. All officers of Militia, constable and police officers, or gaolers of the District of Quebec, shall be bound to obey the said verbal order and warrant, under a penalty not exceeding one hundred dollars ;

Imprisonment not to discharge fine.

3. The imprisonment of twenty-four hours aforesaid shall not exempt the person or persons so imprisoned from any of the pains and penalties to which he or they would otherwise be liable for the offence committed ;

Carrying flags, &c.

4. Any person who shall, at such nomination or election, carry any flag, banner, color, ribbon, cockade, or other badge indicating the party to which he belongs, or who shall use any violence, menace or malicious practice, or disturb the nomination or election, or shall carry any stick, club, or other offensive weapon, shall be liable to a penalty, for every such offence, of one hundred dollars, or three months' imprisonment, or to both, at the discretion of the Court.

BRIBERY CLAUSES.

What shall be deemed bribery.

14. No elector shall ask or receive any sum of money, or other recompense, by way of gift or loan, or under any other pretext, or allow or consent to allow his assessments or taxes to be paid for him, or make any contract or agreement for any sum of money, office, gift or employment or other recompense whatever, to induce him to give his vote to or in favor of or withhold it from any candidate ; and no person shall, either personally or by his agent, as and by way of gift, recompense, promise, contract, or guarantee of any gift or recompense, or by means of payment of assessment or taxes, bribe or attempt to bribe, or induce any elector to give his vote to or in favor of any candidate ; and any person offending against any of the provisions of this section shall be liable, on conviction, to a penalty of two hundred dollars for such offence, to be recovered with costs, by any one who shall sue for the same before the Recorder's Court of the said city :

Penalty.

Election void for bribery.

2. The election of any mayor, alderman or councillor, shall be declared null and void by any competent Court before which it shall be proved that such mayor, alderman or councillor has given any sum of money, office, place, employment, gratuity, reward or any bond, bill or note, or conveyance of land, or made any promise to give or do any one or more of such acts or things, or to have threatened any elector that he would cause him to lose any office, salary, income or advantage, either by himself or by his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for him as candidate for the office

office of mayor, alderman or councillor, or to keep back any elector from voting for any other candidate for the same, or to open and support, or cause to be opened and supported, at his costs and charges, any house of public entertainment for the accommodation of the electors.

DECLARATION OF MEMBERS ELECTED.

15. On the first juridical day of December in each year, after the closing of the said voting, at the hour appointed by the notice for its assembling, given by the city clerk, the Board of Revisors shall meet in the City Hall, and shall have all the said ward or poll books brought before them, and shall thereupon ascertain and report to the said council at its first meeting thereafter, the total number of votes given and recorded in the whole of the said books for each candidate for the office of mayor, and the total number of votes given to and recorded for each candidate for the office of alderman, and the total number of votes given to and recorded for each candidate for the office of councillor in the ward to which the poll book relates, and for whom the greatest number of votes has been recorded for the office of mayor, and for the office of alderman and councillor in each ward, and the said council shall, at such sitting thereof, declare the person having the greatest number of votes for the office of mayor to be elected mayor of the City of Quebec, and the person having the greatest number of votes for the office of alderman in each ward, to be elected alderman of the said City of Quebec, and the person having the greatest number of votes for the office of councillor in each ward to be elected councillor of the said city ; and in case of equality of votes in respect of either of the said offices of mayor, alderman or councillor, the said city council shall determine and decide which of the said persons having the said equality shall be elected to office ; and the said poll-books shall remain in the office and under the care and charge of the city clerk, where they shall be open to inspection by any elector upon the payment of twenty-five cents :

Successful candidates declared.

Mayer.

Alderman:

Councillor.

Ties.

Custody of Poll books.

2. The mayor, aldermen and councillors so elected at the annual election aforesaid, shall not enter upon the duties of their office, and shall not enjoy any of the rights and privileges, nor be liable to any of the duties and responsibilities of their respective offices, until and after the third Monday in January following their election.

When to enter into office.

MEETINGS OF THE COUNCIL.

16. The city council may meet at periods to be fixed by a by-law, and may adjourn such meetings by giving notice of such adjournment to the members thereof who may not be present at the time of the adjournment :

Meetings and adjournments.

Who to preside.

2. The mayor shall preside at all sittings of the council, and do and perform the several duties and be invested with the powers and privileges imposed and conferred upon the mayor of the city by this Act until the election of his successor ;

Quorum.

3. One-third of the whole of the members of the city council shall constitute a quorum, except as otherwise herein provided ;

When any thing may be done.

4. If anything is required to be done by this Act on a day certain, it may be done as soon thereafter as possible, provided it has not been done owing to the want of a *quorum* ;

Majority ; not by ballot.

5. The majority of the members present shall determine all questions and matters submitted to the council ; the council shall not vote by ballot ;

Quorum for By-laws.

6. There shall be two-thirds of the whole council present at all meetings for the passing and third reading of a by-law ;

Mayor's vote.

7. The mayor shall preside at the meetings of the council, and in case of an equality of votes, shall have a casting vote, and in any other case he shall have no vote ;

Rules.

8. The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings ;

Order.

9. The mayor shall maintain order and decorum during the sittings of the council ; he may cause to be arrested by any police officer or constable or other person any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the Recorder's Court, to be dealt with according to law ;

Punishment for disturbing proceedings.

10. Any person who in any manner whatsoever disturbs the order or proceedings of the council, or refuses to obey the legal orders of the mayor or person presiding at any meeting of the council as aforesaid, or who violates any enactment of a by-law of the council made in virtue of the eighth paragraph of this section, shall incur, on conviction for every offence, a fine not exceeding forty dollars, to be sued for and levied according to law ;

Absence of Mayor, &c.

11. If the mayor or acting mayor should be absent from any meeting, the council shall choose one of its members to preside ;

Compelling attendance.

12. The council may, by by-law, compel its members to attend meetings of the council and discharge their duties ;

Meetings public.

13. The meetings of the council shall be public.

OFFICERS OF THE COUNCIL.

17. The council shall appoint a city clerk, a treasurer, clerk of markets, a city surveyor, one or more road, street, bridge and chimney inspectors, one or more collectors and pound keepers, and such other officers as shall be deemed necessary ; and they may remove or dismiss any officer, and appoint another in his place, and may exact security from them, and accord salaries to them, which salaries may be increased or reduced, from time to time, in the discretion of the council ; and no reduction under this section shall give any claim for injury or damages as against the corporation, to any person whose salary shall have been so dealt with :

Officers, appointment, removal, salaries, &c.

2. The city council shall not grant any pension or any retiring allowance to any of its officers or servants, or any relief or assistance or other compensation whatsoever, in the nature of an annual or periodical payment, for damage or injuries received in its service, or for any reason or cause whatsoever ;

No pension allowed.

3. If, by the act or neglect of any officer of the council, or of the said corporation, a suit or plaint brought by the said corporation is dismissed, the court, in adjudicating thereon, may, by its judgment dismissing the said suit or plaint, condemn the said officer to pay the amount claimed in the said suit, with interest and costs ; or in case of a plaint, the costs thereof, and the said amount and interest thereon, together with the costs thereof, or the costs of the plaint, may be levied in the ordinary course of law against the goods and chattels of said officer, without any other formality or proceeding whatsoever being complied with or taken ;

Responsibility of officers for neglect, &c.

4. If any officer is absent, or incapable of acting, the mayor may appoint an assistant during such absence, and such assistant shall, during the period for which he shall be so appointed, exercise all the powers and perform the duties of the principal so absent ;

Assistant to officers.

5. The city clerk shall keep minutes of all the deliberations or proceedings of the city council ; the mayor, or in his absence, the acting mayor, or the member appointed to preside over the council, shall sign such minutes, and every elector shall have access thereto on payment of twenty cents ;

Minutes of proceedings.

6. All copies of minutes, and generally all certificates, documents and papers, signed by the mayor, and countersigned by the city clerk, under the seal of the city, shall be received in all courts of justice, as proof of the contents of the original thereof ; and all copies of documents, certified by the city clerk, under the seal of the city, shall be authentic, and shall be evidence, and held as such, in all courts of justice, unless it be specially pleaded that such signatures and seal are forged ;

Proof of minutes.

Powers as to
Roads, &c.

7. The city treasurer and city inspector or surveyor shall have the same powers and duties as the treasurer of roads and inspector of highways, roads and bridges, formerly had, in virtue of the thirty-sixth George the Third, intituled : *An Act to make, repair and change the highways and bridges in this Province, and for other purposes.*

Treasurer to
keep accounts ;
who may in-
spect them.

Periods of
making up.

When audited,
abstract to be
made and
published.

8. The city treasurer shall keep true and correct accounts of all sums of money by him received or paid, indicating the several purposes for which said sums of money shall have been received or paid ; the mayor and the members of the council shall have the right of examining his accounts at all reasonable times, and such accounts, with all vouchers and papers relating thereto, shall be made up and closed on the thirtieth day of April, the thirty-first day of July, the thirty-first day of October, and the last day of February, in each year, and shall be immediately after each of the said days, submitted to the examination of the auditors and members of the council, appointed for this purpose, by the mayor ; after the said accounts shall have been so examined and audited for the quarter ending on the thirtieth day of April, in each year, the said treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, in one English and one French newspaper published in the said city, after having delivered a certified copy to the city council, and a copy thereof shall be open to the inspection of all the rate-payers of the said city, at the city treasurer's office, at all reasonable hours, free of charge, who shall also be entitled to a copy thereof, on payment of a reasonable price therefor ;

Removal of
clerk or
treasurer.

9. The city council shall only have the power to dismiss the city clerk or city treasurer, by a resolution carried by a vote, of not less than two thirds of the members thereof, present at any meeting of the council ;

Obligations of
city officers.

Remedy
against officers
in default.

10. All officers appointed by the council, shall be obliged to render to the said council a true account, in writing, of all matters committed to their charge, and also of all moneys which they shall respectively receive ; if they shall not render such account, or deliver up to the said council the papers, books, moneys, documents or other effects belonging to the said council, the said corporation shall make complaint before the said Recorder's Court, which shall order that a warrant do issue from the said court, to arrest and bring this officer before it, and whether such officer shall or shall not appear, or shall or shall not be found, the said court shall hear and determine the said complaint in a summary manner, and if it shall appear to the said court that the said officer owes money to the said corporation, such court shall issue a writ to cause such moneys to be levied by distress and sale of the goods and chattels of the said offender, and if sufficient goods and chattels shall not be found to satisfy the said moneys and the costs of distress,

or

or if it shall appear to the said court that such officer has refused, or wilfully neglected to deliver such accounts or vouchers, books, papers, documents or other effects confided to him, or which were in his custody, or has omitted or refused to deliver them to the said corporation, the said court shall imprison the offender in the common gaol of the district of Quebec, where such officer shall remain, without privilege of bail, until he shall have paid such moneys as aforesaid, or shall have delivered a true account, and shall have delivered up such books, documents, papers, effects and vouchers as aforesaid, or shall have given satisfaction to the said council in relation thereto; but no such officer shall be detained in prison for want of sufficient means, for a longer period than three calendar months ;

Imprisonment
of offender.

Period.

11. Nothing in the present Act contained shall prevent or restrict any judicial remedy against any officer offending as aforesaid, in the present section, or against any surety for any such officer.

Other remedies
not impaired.

ASSESSMENTS FOR MUNICIPAL PURPOSES.

ASSESSORS—THEIR APPOINTMENT AND DUTIES.

18. Three assessors shall be appointed annually in the month of February by a special board for the purpose to be called the Assessment Board, and which shall be composed of the mayor, the recorder and the judge of the sessions of the peace for the City of Quebec :

Appointment.

2. No person shall be eligible as assessor unless he is seized or possessed to his own use of real or personal estate, or both, within the city, after payment or deduction of his just debts, of the value of one thousand dollars ;

Qualification.

3. Any person who shall refuse to accept the office of assessor, shall incur a penalty of two hundred dollars ;

Penalty for
refusing to Act.

4. The powers, authority and duties which were vested in the assessors by the thirty-sixth George the Third, intituled : *An Act for making, repairing and altering the highways and bridges within this Province and for other purposes*, and also by the ninth George the Fourth, chapter sixteen ; and the thirty-ninth George the Third, chapter five, are and shall continue to be vested in and imposed on the said new assessors, in so far as the same shall not be modified by the by-laws of the said council ;

Powers of
assessors.

5. The remuneration of the assessors shall be fixed from time to time by the Assessment Board, and any vacancies among the assessors shall be filled by the said board ;

Remuneration.

Valuation of property.

6. The assessors shall each year value all properties within the limits of the City of Quebec, and make returns also of the names of all persons liable to pay any tax, duty or impost, specifying the amount payable by every such person ;

Basis of valuation.

7. The value of immovable property shall be determined by the *bonâ fide* rent thereof ; if the said rent be unjust, unreasonable and disproportioned to the value of such property, the assessment shall be based on the interest of the actual or real value thereof ; if the property shall be occupied or in the possession of the proprietor thereof the assessors shall determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth or ought to produce ; vacant lots shall be assessed upon the interest of the actual value thereof ;

Vacant lots.

Oath of office.

8. The assessors shall not act as such, until they shall have taken before the mayor, the oath of allegiance and of qualification mentioned in the Schedule D, appended and forming part of this Act ;

When they may Act.

9. The assessors shall have the power to assess during the whole year of their term of office ;

Assessment board to fix period for return, &c.

10. The assessment board shall regulate and determine the time when the assessors of the said city shall annually begin their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the assessments to be levied in the said city, and the time and manner in which they may or shall correct their said return by extending the same and adding thereto the names of any parties omitted or who shall have become known to the said assessors, or shall have arrived in the said city subsequently to the making thereof, or who shall have become liable to pay any assessment tax or duty to the said city at any time after the said general return shall have been made.

ASSESSMENT ROLLS.

Roll to have a column for interest rates under this Act.

How money collected for such rates shall be dealt with.

19. In the next assessment rolls made up after the passing of this Act, and in every succeeding assessment roll, there shall be a column headed, " Interest rates under the Act of 1865," and the city treasurer shall deposit any moneys received by him from such rates to the credit of an account to be kept in the name of the said corporation in one of the Chartered Banks of the Province, and the moneys so collected, received or deposited, shall be applicable only to the payment of interest to become due on the Bonds mentioned in Schedule L to this Act, as it becomes due, and shall be applied in no other manner whatever ; and any person applying such moneys or knowingly permitting them to be applied for any other purpose than is provided for in this section, shall be civilly liable for the

the amount, and shall be further held guilty of a misdemeanor, and be liable to be punished by fine in any sum not being less than double nor more than four-fold the amount misapplied, or by imprisonment for any term not being less than three calendar months, nor more than two years, or by both, and any officer of the city or member of the council, authorizing any such application, or assenting thereto, shall in like manner and to the like extent, be civilly and criminally responsible, but such deposit shall be a discharge to the city for the coupons in respect of which the deposit shall be so made.

Penalty for mis-application.

REVISION OF ASSESSMENT ROLLS.

20. So soon as the assessors shall have deposited, at the period fixed by the assessment board, the assessment book for any ward in the treasurer's office, the treasurer shall advertise such deposit for three weeks in a French newspaper, and in an English newspaper, published in the said city; during the three weeks from the date of the first advertisement of such deposit, all persons considering themselves aggrieved by any entry made in such book, shall present a petition or complaint in writing, to the Recorder's Court of the City of Quebec, which said complaint shall be sworn to, before a Justice of the Peace or a member of the City Council, and shall be filed during the said period in the office of the clerk of the court, who shall give sufficient notice by publication in the said newspapers of the days and hours when the court will hear the parties complaining and determine the merits of such complaints; and any person aggrieved by any decision of the court with respect to such complaint may appeal therefrom by summary petition, to the Court of Revision sitting in the City of Quebec, within the eight days following the said judgment, and proceeding shall be had on the said appeal, in the manner prescribed by the laws establishing the said Court of Revision, and the judgment of the said Court of Revision shall be final and conclusive.

Notice of revision.

Complaints of persons aggrieved.

Recorder to decide.

Appeal.

2. All the delays mentioned shall be final, so that any complainant who shall neglect to make his complaint or proof within the time specified, and take out such appeal within the prescribed delay, shall be foreclosed from so doing, and be held responsible for and be compelled to pay the amount for which he may be assessed, according to the said assessment books, together with all sums charged against him for taxes, rates, imposts, duties or other municipal charges;

Delays allowed to be final.

3. In any case where, after the making up of an assessment book, it shall become necessary to correct or amend the errors or omissions which may be found therein; or whenever persons not subject to assessment, or to any rate or tax whatsoever, at the time of the making up of the said assessment book, shall, thereafter, and within any period of the fiscal year, become

Corrections of assessment books.

How made.

become subject to the payment of such assessment, rate or tax; such correction or amendment or addition shall be made in such assessment book, on application to that effect addressed by any assessor to the said Recorder's Court which, on satisfactory proof of the said demand, shall order that the correction, amendment or addition demanded be made in the said book;

Notice to parties affected.

4. The said judgment shall be signified to the person interested by a bailiff of the said court; and if, within the eight days following the said signification, the person interested shall not have filed in the office of the clerk of the said Court, the objections which he may have to such correction, amendment or addition, he shall be foreclosed from the right of so doing, and bound to pay each and every sum, assessment, rate or tax imposed upon him, by virtue of such correction, amendment or addition; And if the objections are produced, within the said delay, the said Court shall proceed thereon, as provided in the first paragraph of this section.

Hearing objections.

ORDINARY ASSESSMENTS.

Council to make By-laws.

§1. The council may, at any meetings thereof composed of not less than two-thirds of the members thereof, make By-laws for the following purposes :

Raising money by assessment.

2. For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said council is now, or may be hereafter invested, either by imposing tolls and rates, to be paid in respect of any Public Works within the said city, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the said city, or upon the owners or occupiers therefore in respect of such property, provided that such assessment may, in any one year, amount to but shall not exceed (excepting as hereafter provided) the sum of ten cents in the dollar on the assessed yearly value of the property liable to such assessment; such assessment, in the case of real property, to be paid in equal proportions by the tenant and proprietor thereof, unless the real property is occupied by the proprietor himself, in which case such assessment shall be paid wholly by the proprietor;

Rate limited.

Proportion to be paid by proprietor and tenant respectively.

For drainage.

3. By imposing a further assessment or rate for drainage on all real property in the said city, to an amount which shall not exceed two cents and a half in the dollar on the assessed yearly value of such real property; and

Duties on persons exercising certain callings.

4. By imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquor and on merchants and dealers and the agents of all such resorting to, or visiting the city, to take or receive orders therein, or to sell therein, or buy according to sample, contract or agreement

or in any other manner or way whatsoever, and on all hawkers, pedlars and petty chapmen within the city ; and on all proprietors, owners, agents, managers or keepers of theatres, circuses or public entertainments, exhibitions or shows of any kind ; or of horses and carriages of any kind, kept for pleasure, for use, for working or for letting or hiring out, or of billiard tables, ball alleys or games, amusements or means of gambling of any kind, or of dogs within the said city ; and on all wholesale or retail dealers in goods, wares or merchandize of any kind, within the said city, and the premises occupied by any and all such ; on bankers, banks and all agents of bankers, or banks and the premises occupied by all such, and on all banking institutions, and all premises occupied as banks, bank agencies or for banking purposes of any kind whatsoever, in the said city, except that particular class of savings banks in the said city which are or may be established for the benefit and advantage of the industrial and labouring classes of the people, and not for the profit of the stockholders, which said class of savings banks are hereby exempted from any special rate or assessment other than the ordinary rate and assessment levied on all real property in the said city ; on all forwarding merchants or forwarders and the agents of all such, and all premises occupied by them ; on all brokers and money changers and the agents of all such, and the premises occupied by all such brokers, money changers or their agents in the said city ; on all insurance companies, and all agents of, or for any insurance company or companies in the said city, and all premises occupied by such insurance companies, or by any agent or agents of or for any such in the said city ; on all agents of merchants residing in any other city or place in this said Province, or elsewhere ; on all telegraph companies and the agents of all such in the said city, and on the proprietors of telegraph-wires or means of communication in the said city, or passing through any part thereof ; on all gas companies, and the premises used and occupied by all such within the said city ; on all keepers of eating houses, coffee houses and ordinaries ; on all auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers and carters ; on all traders and manufacturers, and the agents of all such ; on all brewers, distillers, soap and candle manufacturers ; on all camphine or other oil manufacturers ; on all ginger beer, spruce beer and root beer brewers, and the agents and agencies of any and all such ; on all brick manufacturers, dealers in wood and proprietors or keepers of wood yards ; on all proprietors and keepers of tanneries and slaughter houses in the city ; on all inspectors of pot and pearl ashes, of beef, pork, flour, butter, or any other produce, articles or effects whatsoever in the said city ; and generally on all trades, manufactures, occupations, business, arts, professions or means of profit, livelihood or gain, whether hereinbefore enumerated or not, which now are or may hereafter be carried on, exercised or in operation in the city ; on all persons by whom the same

Certain callings
enumerated.

On all professions, trades
and callings
generally.

And the premises where they are carried on.

Ferryman.

are or may be carried on, exercised or put in operation therein, either on their own account or as agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as ferrymen to the said city or plying for hire for the conveyance of persons by water to the said city from any place not more than twelve miles distant from the same;

Assessment on partners.

5. In the case of rate or rates imposed on the partner of a firm or company of merchants as aforesaid, such rates may be claimed and recovered in the manner prescribed for the recovery of assessments, taxes or rates imposed by the said council, either against such partner or against the firm or company of which he is partner;

Agents carrying on business.

6. In all cases where the said council is authorized by law to impose a rate or rates on the agency or agent of any person, firm or company whatsoever, incorporated or not, carrying on or exercising any trade or business whatsoever, or any banking business or commercial business, in the said city, such rate or rates may be claimed and recovered in the manner above set forth against the agency or agent of such person, firm or company in the said city;

Rate payable yearly.

7. Every rate imposed by virtue of the foregoing provisions shall be payable annually, and at the period fixed by such by-law;

Mode of assessing such rates.

8. Every special tax imposed in virtue of the foregoing provisions may, in the discretion of the said council, be a fixed annual rate on all or any of the several classes of persons subject to such tax, and on the premises by them occupied for the purpose of their trade, business or manufacture, or a proportional tax to be determined by the said council according to the assessed annual value of the real estate or any part thereof, occupied as aforesaid or according to the annual value of lease of such real estate or any part thereof, occupied as aforesaid, by the persons liable to such tax, or by both modes at once, that is to say, a fixed tax on the persons liable to such tax, and a proportional tax on the real estate occupied as aforesaid; or only a fixed tax on such person, according as the said council may in each case consider it to be most advantageous to the said city;

Words "agent" and "agency" interpreted.

9. And the words "agent" or "agency," in the foregoing subsections, signify any and every agent or any and every agency of one and the same company or partnership having several distinct and separate agents or agencies in the said city, and the special rate imposed on the different trades, businesses or occupations hereinabove specified, shall be payable for such and every establishment of such trade, business or occupation in the said city, when it shall be carried on by the same person
firm

firm or persons or company in a distinct and separate house or place of business.

10. The capitation tax, payable by all persons of the male sex, above the age of twenty-one years, and under the age of sixty years, and not subject to any other tax or rate whatsoever, shall in future be two dollars per annum ; but domestics and servants of the male sex shall only pay one dollar per annum. Capitation tax.

EXEMPTIONS FROM CAPITATION TAX.

22. The following persons shall be exempt from the said capitation: All persons above the age of sixty years ; the officers and soldiers of Her Majesty or of the Militia in active service, or any person domiciled in the said city during less than six months ; apprentices *bonâ fide* ; and any person who shall serve in any fire company established by the corporation or under its control, so long as he shall belong to such company. Persons exempt from capitation.

SPECIAL ASSESSMENTS AND THEIR ENFORCEMENT.

23. For the payment of the interest due and to become due on its Bonded Debt as mentioned in the Schedule L of this Act, there shall be levied and raised by the Corporation from time to time, yearly or half-yearly, or oftener if they think fit, upon the whole then assessable property of the said city, a special rate or rates of so many cents on the dollar as shall be required, until the said interest shall be fully paid and discharged ; Provided always, that if the rate or rates to be levied from time to time shall yield more than the rate of interest from time to time payable, the surplus shall be carried to a special account to be called the " Interest Account," and be applied to the payment of the next half-year's interest, and all the provisions of section nineteen shall be applicable to such surplus : Special rates for interest on bonded debt.

2. To provide for the due and punctual payment of the interest of the bonds which may have been issued by the corporation, in the said Schedule L mentioned— Proviso.

It shall be incumbent on the corporation and their Treasurer for the time being, to have at least fourteen days before the day of payment, at the credit of the account mentioned in the preceding subsection, a sum sufficient to pay the half-yearly interest next becoming payable in the Province after the said respective dates ; and they shall also, at least fourteen days before the coupons payable in Great Britain become due, have a sum sufficient to pay the said coupons at the bank or place at which the same are payable, and the corporation shall arrange with the bank to give notice by advertisement of the half-yearly days on which the interest payable in Great Britain will be paid ; Provisions for punctual payment of interest.

Provisions for
enforcing pay-
ment of interest.

Creditor may
apply to have a
special rate
levied by the
Sheriff.

Evidence on
which applica-
tion may be
granted.

As to bonds
dated before
this Act.

Proofs.

Sheriff's duty
on order to levy
special rate.

3. And whereas it is desirable that proper facilities should be given to the creditors under all circumstances, to enforce payment of the interest of their debts against the said City of Quebec: therefore the holder of any bond, debenture or coupon of the said city, whether issued for the construction or completion of the water works, or any other purpose, mentioned in the Schedule L of this Act may, in default of payment of the interest thereon, adopt any or all of the following modes of remedy, to wit: Such creditor may either proceed to judgment and execution in the ordinary manner, or he may apply by a summary petition after one clear day's notice to the Superior Court, or to any judge in vacation, setting forth that he is a creditor, and in what amount, and praying that a special rate be levied for the payment of his claim, and thereupon it shall be the duty of the Court or Judge, unless special cause on oath that the debt is not due, be assigned to the satisfaction of the Court or Judge, forthwith to grant an order directing the Sheriff of the District of Quebec to collect the "special interest rate" hereinbefore mentioned and directing him, if need be, to impose and levy another and further rate upon the real estate situated in the said City of Quebec, sufficient to cover such demand, with ten per centum over and above the same; and it shall not be requisite that any bonds in respect of which such order is required, or on which any action at law or other proceeding for the recovery of interest is brought shall be produced by the holder, provided the coupon thereof be produced, and the production of such coupons shall be *prima facie* evidence that the holder thereof is the owner of the bond to which it was attached and entitled to recover thereon, and a *bona fide* payment to the holder of such coupon shall discharge the said Corporation from all liability thereon;

4. All bonds purporting to be dated and to have been issued prior to the passing of this Act, and all coupons purporting to have been attached thereto shall, without any other special proof to that effect, be presumed to be part of and to be included among the bond referred to in Schedule L;

5. And until proof to the contrary is given, the production of any such Bond or coupon shall be *prima facie* evidence that the same is included in and forms part of those enumerated in Schedule L, saving to the corporation and to all other parties the right to contest the fact;

6. It shall be the duty of the sheriff when he shall receive a writ of execution against the said city (with an endorsement thereon by the plaintiff or his Attorney requiring him to impose a rate under this Act) or upon delivery to such sheriff of an order of the court or judge under the subsection three of this section,—and such sheriff is hereby empowered—to take communication or possession of all such books, papers or documents of the corporation as may be necessary, and the officers of

of the corporation shall be bound to afford him free access to, and, if he shall require it, possession of all such books, documents and papers, and the said sheriff shall forthwith prepare an assessment roll in such form as he may see fit, shewing the rates and assessments necessary to make up the amount required to be levied, with ten per centum over and above the same, to meet expenses and interest, and such rates and assessments shall be payable by the persons and shall be chargeable upon the property in respect of which they are imposed, and no such assessment roll shall be invalid for any informality or inequality of rate therein, or for any other matter whatever, provided that any party aggrieved shall have the right to recover from the corporation any rate or excess of rate over and above what by a just and fair apportionment he ought to have been assessed at;

7. Any officer or member of the Council, interfering with or refusing to afford to any sheriff, receiver, assessors or collectors, or other person charged with the execution of any duty under this Act, any books, papers, or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor, and be liable to be punished by imprisonment, for any term not being less than three calendar months, nor more than two years ;

Penalty for obstructing Sheriff.

8. In case for any reason the sheriff shall not be able to obtain within one day after demand of the same communication or possession of the necessary books, documents or papers, to enable him to make such assessment roll and to impose such rate, he shall forthwith impose from such data as may be within his power and by appointment or otherwise, a rate, and levy the required amount upon the real property situated in the said city ;

If Sheriff cannot obtain the proper books, &c.

9. If from any cause the sheriff shall be unable within two months from the imposing of such rate, to levy the whole of the same, or such sum as may be necessary to satisfy the claim, or if the same prove insufficient, the sheriff shall in like manner and from time to time, as often as may be necessary, proceed to strike a new rate and make a new levy, until the claim of such creditor be paid in full out of the proceeds of the same ;

New rates until creditor is paid in full.

10. Upon the completion of the Assessment Roll under either of the preceding subsections, the sheriff shall give public notice (according to form G in the Schedule hereunto annexed) in at least one newspaper published in the English language, and one newspaper published in the French language, that the said Assessment Roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or rate are required to pay the amount thereof to him, at his office, within ten days from the

Notice by Sheriff.

the date of the last insertion of the said notice in the said newspapers, provided that the said notice shall have at least four insertions in each of the said newspapers ;

If the rate be not paid by any party.

11. If at the expiration of the said ten days any assessment, tax or rate remain unpaid, the said Sheriff shall leave or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or rate, and shall at the same time, in and by a notice annexed to such statement (according to form H, in the Schedule hereunto annexed), demand payment of the assessment, taxes or rate therein mentioned, together with the costs of the service of such notice ;

As to persons residing out of the city.

12. The provisions of the next preceding subsection shall not apply to persons residing beyond the limits of the said city but such persons shall be bound to pay their assessments, taxes or rates within ten days after the public notice mentioned in the tenth subsection of this section, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business ;

Levy on persons failing to pay.

13. If any person neglects to pay the amount of assessments, taxes or duties imposed upon him, for the space of fifteen days, after such demand made as aforesaid, the Sheriff shall levy the same, with costs, without any warrant being necessary, by the seizure and sale of the goods and chattels in his possession, subject to the present exemptions by law, wherever the same can be found within his district ; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or rates and costs, out of the proceeds thereof ; provided always that any party having any hypothecque, lien or privilege upon property real or personal, out of the proceeds of which the said corporation shall be paid any assessment, and which shall have accrued in respect of other property, such party shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said corporation at the time of such payment in respect of such other property as to such assessment ; but the Recorder's Court shall have power to amend or revise such assessment, tax or duty in each individual case, provided it shall be required in writing so to do within ten days after such demand has been made by the sheriff, and not otherwise ;

Proviso.

Notice before selling goods.

14. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Sheriff shall give public notice (Form I) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place in his office at least forty-eight hours previous to such sale.

15. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or rates levied for and the costs attending the seizure and sale, the surplus shall be returned to the debtor, or to the person in whose possession such goods and chattels were when the seizure was made, and no deduction tax or duty whatever shall be retained by the Sheriff out of the amount payable to the creditor for his debt, interest and costs ; which shall be forthwith paid over by the Sheriff to the creditor, and as to any surplus, the Sheriff shall retain the same for eight days after the sale, during which time oppositions may be filed, and if oppositions be filed, the same shall be disposed of in the usual manner; if any balance remain in the Sheriff's hands at the end of one year from the disposal of the oppositions or the date of the sale, he shall turn it over to the treasurer of the city for the general purposes of the corporation ;

Application of
proceeds of
sale.

Balance in
Sheriff's hands.

16. It shall be competent for any person or persons who may be creditors to the extent of twenty-five thousand dollars or upwards, in respect of interest overdue, in addition to any other remedy which under this or by any other Act or law he might exercise to apply by summary petition, after ten days' notice, to the Superior Court, or to any judge in vacation in the like form and conditions provided by the third subsection of the present section of this Act, for the appointment of a receiver, and such receiver shall have full power and authority as such in his own name to sue for, collect and receive from the Sheriff or from the corporation, or any officer thereof, and from all persons liable to pay any rates or taxes, all moneys due by them or in their hands, to an amount sufficient to pay the sum due, or to become due to the persons seeking his appointment ; and it shall be competent for the court or judge, from time to time, to confer on such receiver, such other and further powers as may be needful for the fulfilment of his duties, and to enable him to receive, recover and regularly pay over the moneys due to the parties on whose behalf he is named, and also to fix what remuneration shall be paid to him out of the funds of the city ;

Creditors for
\$25,000 or
upwards of
interest may
have a receiver
appointed.

Powers of
Receiver.

17. Such receiver shall give security to the satisfaction of the judge or court, to whose orders he shall be in all respects subject ; and after his appointment and notice thereof given in at least one newspaper published in French and one in English, no payment of any rate, assessment or sum of money, shall be valid, unless made to such receiver, or to the Sheriff in his behalf ; and payment to such receiver or sheriff, shall *pro tanto* discharge the liability of the corporation ;

To give secu-
rity.

Payments to
him or to
Sheriff.

18. The appointment of a receiver may take place before any of the proceedings contemplated by the third and following subsections of the present section of this Act, are taken by any creditor or pending or subsequent to such proceedings, and the

Receiver may
require Sheriff
to levy special
rates.

the sheriff shall be bound to recognize such receiver as the representative of the creditor on whose behalf he is named ; and on the request of receiver to enforce and put in execution any or all the powers for assessing, or for the collection of rates or otherwise conferred on the sheriff by virtue of this Act, in the interest for the benefit of creditors ;

When receiver shall be discharged.

19. After the debts due to the creditor at whose instance a receiver may have been named shall have been paid in full, such receiver shall be discharged, and shall be accountable as an officer of the court by which or by a judge of which he was named ;

Provisions to apply to persons advancing money to pay interest.

20. The provisions of this section respecting special assessments, and the remedies which may be taken, shall apply and may be enforced by any person who may have advanced, or may hereafter advance, money to meet the interest heretofore due, or hereafter to become due, by the corporation on any of the bonds mentioned in schedule L.

COLLECTION OF ASSESSMENTS.

Certain provisions to apply to collection of ordinary rates.

24. The provisions contained in the next preceding section of this Act, as respects the collection of special rates and assessments, shall apply to the collection by the corporation of its ordinary rates and assessments annually imposed, except that all the powers thereby given to, and duties imposed on, the Sheriff, shall and may be exercised and performed by the City Treasurer, or by any officer or bailiff of the Recorder's Court authorized by him ; and the said City Treasurer as respects all rates and assessments to be imposed, otherwise than by the Sheriff, is hereby authorized to give the notices, (Form G,) make the demands, (Form H,) and in default of payment to seize and sell, by warrant to be issued by the Recorder's Court, according to Form J annexed to this Act, in manner and form as provided for in the said section ; and in the event of any opposition being filed, the proceedings shall be remitted to the Recorder's Court, which will have full power to act and adjudicate therein, subject to an appeal when an appeal is now granted by law :

As to rates on proprietors *par indivis*, &c.

2. Whenever any contribution, assessment, tax or rate shall have been imposed upon any immovable or movable property, belonging to several coheirs, or possessed *par indivis* by several persons whose names cannot be easily ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment books the name of one of the coheirs or copossessors ; and the coheir or copossessor whose name has thus been inscribed in the said books, shall be held liable for the full payment of the assessment, tax or rate thus imposed, reserving his remedy as by law against his coheirs or copossessors ;

3. No person assessed shall pay less than one dollar as an annual tax, so that if the amount of his assessment shall be less than this sum, the said corporation shall have the right to exact the said sum of one dollar from every person so assessed ;

No person to pay less than \$1.

4. Any assessment, rate, tax or duty to which any immovable property shall be subject in the said city, and which shall be payable by the proprietor, may be enforced and recovered, either from the proprietor thereof or from any tenant or occupant of the said real property, or any part thereof, whether such assessment, contribution, tax or rate shall have become due and payable before occupation by the said tenant or occupant, or whether they shall have become due and payable during the continuation of the lease or occupation ;

From whom rates may be collected.

5. But the tenant or occupant shall only be held liable for the amount of the sum by him due for the rent or occupation of the said premises, reckoning from the day of the signification of the action to this effect ; and only during the continuation of his lease or occupation, and at the ordinary dates of payment of the rent, fixed by the lease or agreement between him and the proprietor ;

Liability of tenant.

6. Each payment of any sum whatsoever thus made by the tenant or occupant shall discharge him in an equal amount towards the proprietor, unless by the lease or other agreement the tenant or occupant shall have bound himself to pay such contribution, assessment, tax or rate ;

Tenant's recourse.

7. But no judgment obtained or execution issued against any one proprietor, tenant or occupant shall exclude or prevent any suit, judgment or execution against the other, for the payment of such rate, tax, assessment or contribution, if such payment cannot be obtained from the party who has been prosecuted, or against whom legal proceedings have been taken in the first instance ;

Recourse against other parties saved.

8. In case the Corporation is unable to recover from the tenant or occupant of real property in the said city, the proportion of taxes imposed upon such real property which is payable by him, the proprietor of the real estate shall be liable therefor, and the Corporation may exact and recover the whole amount of the assessments, rates and taxes from such proprietor ; but in such case proceedings must be taken by the corporation for such recovery before the thirtieth day of April, in the year for which such taxes are due ;

Liability of proprietor.

9. As respects all taxes hereafter to be imposed, in case the goods and chattels of any person liable to pay any rate or tax shall not suffice to pay the same, the lands and tenements of such debtor may be sold for the payment of such rate or tax, whatever amount the same may be, in the same manner as is

If the goods and chattels are insufficient, real estate may be sold.

now

Certain provisions of law to apply.

now prescribed in the Lower Canada Consolidated Municipal Act with respect to the sale of lands for non-payment of taxes; the provisions contained in the twenty-first, twenty-second and twenty-third subsections of the fifty-ninth section, and the first, second and third subsections of section sixty-one of chapter twenty-four of the Consolidated Statutes for Lower Canada shall apply to the sale of real estate for taxes due to the said corporation, in so far as the same are applicable; and all the other provisions contained in subsections three to fourteen, inclusive, of the sixty-first section, with reference to the re-sale, the redemption, the nature of the hypothèque, the effect of the sale, and the deed and form thereof, shall, as amended by subsequent Acts, apply to the sale of land for the taxes in City of Quebec, in the same way and as fully and effectually as if the whole of the provisions above referred to of the said last mentioned Act were inserted in and made part of this Act;

Rates to be privileged debts.

10. All taxes, assessments, whether general or special rates, water rates or duties, due to the said corporation shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall in the distribution of the proceeds of the sale of property, whether real or personal, of any person so indebted to the said corporation, be so held and adjudged by all courts of justice, and by all commissioners and other persons having jurisdiction in insolvency in Lower Canada; this privilege shall not require to be registered, and shall extend over the current and the preceding year;

Registration not requisite.

Prescription for rates.

11. The right of action of the said corporation for the recovery of past and future assessments, taxes, or other municipal duties due, whatsoever, shall be barred by a prescription of two years, to be computed from the day on which such assessment, tax, water rate or due became payable, and the said prescription is an absolute bar;

Provisions to apply to water rates.

12. The foregoing provisions respecting the collection of assessments shall apply to the collection of water-rates imposed by the corporation under the thirty-sixth section of this Act, as fully and effectually as to the other rates and assessments imposed by this Act.

EXEMPTIONS FROM TAXATION.

Educational and charitable institutions exempt.

25. The property of any incorporated institution for educational, or charitable purposes, occupied and used for educational or charitable purposes, and also all other property by such institution leased for the aforesaid purposes, or occupied as schoolhouses by the School Commissioners of the said city, shall be exempt from taxation, and such houses or properties so occupied are also exempt from tenants' tax.

POWERS OF THE COUNCIL GENERALLY.

AUDITORS—THEIR APPOINTMENT AND DUTIES.

26. In the month of February, in each year, the council ^{Appointment.} shall appoint two auditors, chosen from among the persons having the qualifications prescribed by this Act, to fill such office :
2. No person shall be capable of being elected auditor unless ^{Qualification.} he shall have been a resident householder within the City of Quebec for one year next before his election ;
3. No member or officer, or *employé* of the city council shall ^{Disqualification.} be appointed auditor ;
4. Any vacancy occurring in the office of the auditor shall ^{Vacancies.} be filled up by the council ;
5. Any person who shall refuse to accept the office of auditor ^{Refusal to Act.} shall be liable to a penalty of two hundred dollars ;
6. Every auditor, before acting as such, shall take, before the mayor, the oath of allegiance and of qualification mentioned in Schedule E appended to this Act and of which it forms part ; ^{Oath of office.}
7. Immediately after the first day of August, the first day of November, the first day of February and the first day of May, in each year, the auditors and also the members of the council appointed for that purpose by the mayor, shall examine the treasurer's accounts of the city for the preceding quarter, with all vouchers and papers connected therewith, and certify them correct, if they shall be so, and return them to the said city treasurer ; ^{Audit of Treasurer's accounts.}
8. In their report to the council in May, in each year, the auditors shall declare upon oath whether the city treasurer has ^{Report ; as to sinking fund.} or has not complied with the requirements of the present Act with regard to the sinking fund.

OTHER POWERS.

27. The city council shall be invested with all the powers and authorities possessed or vested in the Court of Quarter Sessions, or Justices of the Peace for the District of Quebec, or any of them, before the incorporation of the said City of Quebec, within the limits of the said city, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, dams, causeways, pavements, drains, ditches, embankments, watercourses, sewers, market-houses and weigh-houses, and other public buildings or erections within the said city, and also for, touching and concerning the dividing of the said city into divisions, and ^{City Council invested with certain powers formerly vested in Quarter Sessions, &c.}

and the appointment of overseers of highways, streets and bridges, provided that such powers and authorities shall not be inconsistent with the provisions of this Act ; and all real and personal property within the said city, and which were at the time of the passing of the said Act of Incorporation, under the control and authority of the said Justice of the Peace, or any of them, have become and shall be subject to the powers, authority, control and direction of the said council :

Committees.

2. The council may appoint committees, composed of a certain number of its members, for the discharge of the duties within its jurisdiction, but such committees shall be subject in all things to the approval, authority, and control of the said council ;

Books relating to the City.

3. The council shall have the right to demand and cause to be delivered, and receive all books, plans, deeds, documents and papers, relating to the City of Quebec, which were in the custody of the Justices of the Peace, before the incorporation of the said city ;

Licenses to taverns, &c.

4. The council shall grant licenses to keep taverns, hotels or houses of public entertainment, under the restrictions imposed by the general laws of the Province ;

Giving Recorder cognizance of malfeasance of officers.

5. The council may by a resolution cause the Recorder of the City of Quebec to take cognizance of all matters mentioned in such resolution, whether it relates to any alleged malfeasance, violation of deposit, or other improper conduct, of any of its members, officers, employés or contractors, in so far as such acts shall have been committed by the offender in his capacity of member, officer, employé or contractor, or whether it relates to the good government, or the administration of any portion of the public affairs of the said city ; and the Recorder shall thereupon make an investigation, and he shall have, for this purpose, all the powers given by the thirteenth chapter of the Consolidated Statutes of Canada, to commissioners named by virtue of the said chapter, and he shall report to the said council the result of such investigation with all possible diligence.

Powers of Recorder in such case.

CONTRACTS ENTERED INTO BY CORPORATION.

Contracts over \$500 to be notarial and with security on real property.

28. In the case of any contract exceeding five hundred dollars made by the said corporation, or the committees of the council of the said city, the said contract shall be executed before notaries, and the party contracting with the corporation shall furnish, as securities, two or more persons, one of whom shall be a proprietor of real estate, who shall bind themselves jointly and severally with the contractor, in favor of the said corporation, for the due execution of the said contract ; the surety being the proprietor shall produce a certificate from the Registrar of the county or division of county in which his property

property is situated, that the said property is free from all debts and hypothecs, to at least an amount sufficient to secure the execution of the contract; the said sum shall be stated in the contract, and the real property of the surety described therein, and the said contract shall create a privileged hypothec in favor of the said corporation, and any contract entered into in violation of this provision shall be *ipso facto* null and void.

CITY BY-LAWS.

POWER OF THE COUNCIL FOR THE PASSING OF.

99. The city council may, at any meeting or meetings thereof at which not less than two-thirds of the members thereof are present, make one or more by-laws for the following purposes, that is to say :

Quorum for passing.

1. For the good order, peace, security, comfort, improvement, cleanliness, internal economy and local government of the said city ; for the prevention and suppression of all nuisances, and of all acts, matters and things in the said city, opposed, contrary or prejudicial to the order, peace, comfort, morals, health, amelioration, cleanliness, internal economy or local government of the said city ;

Peace, good order, &c.

WATERING STREETS, &c.

2. For imposing an additional tax of five cents in the pound on the annual value or rent of real property, upon the proprietors and tenants of those parts of the city, in which at least two thirds of such proprietors and tenants shall ask for the imposition of such tax to defray the expense of watering, sweeping or taking away the snow from such place or street ;

Tax for watering.

DAMAGES BY MOBS.

3. For imposing a special tax upon proprietors of real property in the said city, in order to pay the damages which any mob, or tumultuous assemblages of persons disturbing the peace of the city, shall have caused to any private property ; and if such By-law shall not be passed within six months following the day on which such damages or injury shall have been so occasioned, the person so injured shall have a right of action against the said corporation ;

Tax to pay damages.

Responsibility if no by-law.

MARKETS.

4. For changing the sites of markets and market-places, and to establish others, and any person injured by such act of the council shall have a legal recourse against the corporation ;

Changing sites or establishing new.

**Clerks of
markets, &c.**

5. For regulating the powers of the clerks of the markets, and every thing relating to the markets ; the St. Paul's market, established by the ninth George the Fourth, chapter-fifty-three, and the landing place of the St. Paul's market belong to the said corporation who represent the Trustees and Justices of the Peace ;

**Prevention of
forestalling.**

6. For preventing the purchase and sale, by any person whomsoever, of any produce or provisions, meat, fowls or other article whatsoever, intended for the public markets of the said city, in or upon any street or public place, or any yard, house or building, or any other place whatsoever in the said city, in which farmers or other persons coming to the said markets, deposit or store their produce, provisions, meats, fowls or other articles or effects whatsoever, before bringing them to the said markets ; or on the wharves or on the steamboats or other craft whatsoever, lying beside the wharves of the said city, and in which the produce, provisions, meat or other articles or effects whatsoever are brought in order to be sold on the markets of the said city.

HEALTH OF THE CITY.

**Boards of
Health.**

7. For establishing Boards of Health ;

**Their powers
and duties ; 12
V. c. 116.**

(So soon as the corporation shall have established Board of Health, such Boards may take cognizance of the causes of disease, and shall have all the powers and privileges conferred upon them by the twelfth Victoria, chapter one hundred and sixteen ;)

**Contagious
diseases.**

8. To limit the number of persons in each house, in time of cholera, typhus fever, or other contagious diseases ; and also with respect to wearing apparel, and other articles susceptible of communicating any such infectious disease ;

Tariff of fees.

9. To make a tariff of fees to be paid to persons employed by the Board of Health established by the corporation ;

Disinterments.

10. To regulate disinterments which shall be effected under the directions and control of the person or persons appointed, with the concurrence of the council, by the police committee of the corporation ;

**Burials and
burial
grounds.**

11. To prevent the establishment of new burial grounds within the city limits ; preventing burials in the said city, and closing cemeteries therein, on payment of a reasonable indemnity to the parties interested.

REGULATION OF WEIGHTS AND MEASURES, &c.

Fire wood, &c.

12. For regulating the weighing or measuring of firewood, coal, salt, grain and lime ;

13. To regulate the weight and quality of bread, with the **Bread.**
right of declaring forfeited, and forfeiting, all bread of light
weight or of bad quality.

PREVENTION OF ACCIDENTS BY FIRE.

14. The council may make by-laws for preventing accidents **Fires.**
by fire;

15. For governing and controlling all persons present at **Fires com-**
fires; and establishing fire companies for the protection of **panies.**
property;

16. To name and appoint all officers or persons necessary **Officers.**
for the execution of the by-laws ;

17. To defray the expenses which may be deemed right to **Engines, &c.**
incur for the purchase of engines, or apparatus of any kind,
for the purpose of preventing fires ;

18. To cause to be demolished and removed all buildings **Demolishing**
and fences which shall be deemed necessary to be demolished, **buildings, &c.**
or taken down, in order to arrest the progress of any fire ;

19. To prevent thefts and depredations at fires ; **Depredations.**

20. To punish any person who shall maltreat any member, **Punishing**
or officers, or employé of the said council, in the execution of **offenders.**
his duty, or who shall resist, interfere with, or prevent him
from executing the same ;

21. To defray the expenses incurred by the said Council in **Assisting per-**
assisting any person in their employ, who shall receive any **sons injured in**
wound or contract any disease at any fire, or in assisting the **their employ.**
family of any person in their employ who shall perish at any
fire, or in consequence of any wounds or injuries received
thereat, and for rewarding any person who shall have performed
any meritorious action at any fire ;

22. For establishing a judicial enquiry into the cause and **Enquiring into**
origin of fires, for which purpose the council shall have the **origin of fires.**
power to compel the attendance of parties and witnesses before
them, under pain of fine or imprisonment, or both, to examine
them on oath to be taken and sworn before the Mayor, and to
commit for trial, on the Mayor's warrant, any party or parties
against whom any well grounded cause of suspicion may be
found, of their having wilfully or maliciously originated such
fire or fires ;

23. The said council may also prescribe or regulate the **Construction of**
manner in which houses or buildings shall be erected, in order **buildings as**
to prevent accidents by fire, and may regulate the construction, **regards acci-**
dimensions dents by fire

dimensions and height of chimneys, and specially in the cases of houses or buildings erected above other houses or buildings which they may adjoin, by whom, at whose expense, in what manner, to what height, and within what time, the chimneys of the less elevated houses and buildings shall be raised so as not to endanger the adjoining or neighboring houses ;

Storage of
Petroleum, &c.

24. To regulate or prevent, within the limits of the city, the storage of Petroleum, coal-oil, and explosive or inflammable substances of the like nature ;

Chimneys-
sweeping.

25. To compel the citizens to have their chimneys swept by licensed chimney-sweepers, in certain ways and at certain times ;

Tax on
Chimneys.

26. To impose a tax upon chimneys, to provide funds for the chimney and fire departments ;

Fire works.

27. To prohibit the sale of fire crackers, fusees, Roman candles, serpents, and all other fire-works, of what kind or sort soever ; and also, any projectile or missile made of powder ;

Licensing
chimney
sweeps.

28. The council may grant licenses to chimney sweeps, and fix the tariff of fees therefor ; as soon as the council shall grant licences for this purpose, no person shall sweep chimneys without a license ; and any person who shall in such case sweep chimneys without a license, or exact a higher rate than that fixed by the said tariff, shall be liable to a fine of five dollars ;

Fine for not
having chim-
neys swept.

29. The occupant of any house of which the chimney shall take fire shall be liable to a fine not exceeding five dollars, unless it be proved that such occupant complied with the regulations respecting the sweeping of chimneys.

ROADS, STREETS, VACANT LOTS, WHARVES.

Good order of
streets, &c.

30. The Council may also make by-laws respecting the cleanliness, security, tranquillity, good order and management of any street, square, promenade or public garden or wharf in the said city, and the accommodation and security of persons passing, or of other persons in or upon such street, square, promenade or public garden or wharf ;

Fencing and
draining pro-
perty, &c.

31. For obliging and compelling proprietors and occupant of real property, to enclose the same, and to keep the same clean and free from filth and dirt, and to make the necessary drains, sewers and privies on such property ;

Defining height
of fences, and
materials.

32. And for fixing the height of the said fence and the materials of which it shall be constructed, to compel the proprietor or his agent to level the soil thereof, within a delay to be fixed

by such By-law ; if within the said delay the said persons or any of them neglect to conform to the provisions of the said By-law, or if such property is vacant and its proprietor is unknown or absent from the District of Quebec, the said council may order the officer charged to see to the execution of the said By-law to cause the said land to be fenced, cleansed or drained at the costs of the proprietor, and the said costs shall be a privileged claim and may be recovered from the said proprietor, agent, tenant, or occupant, by action of debt before the Recorder's Court, saving the recourse of such agent, tenant or occupant against the proprietor ;

Penalty for non-compliance.

33. For directing and requiring the removal of the snow from the streets, lanes, public squares, and roofs of houses and other buildings, and also of any filth, dirt, or other nuisance, offensive to, or prejudicial to public health, or of any door-steps, porches, railings or other projections into, or obstructions in any public street, lane, or public square, by and at the expense of the proprietors or occupants of the real property in or on which such projection or obstruction, filth, dirt, or nuisance shall be found, which said expense shall be sued for and recovered by action of debt in the Recorder's Court ;

Removing snow, dirt, &c.

34. For lighting the said city or any part thereof ;

Lighting.

35. For altering the level of the footpaths or sidewalks ; and persons injured by such alteration to have legal remedy against the corporation ;

Levels of side walks.

36. To pull down, demolish and remove, at the expense of the proprietor, or occupant thereof, any buildings, walls, fences, or other buildings and erections encroaching on streets or public places, and any old, dilapidated or ruined walls, chimneys or buildings ; which said expense shall be sued for and recovered in the manner set forth in the thirty-third paragraph of the present section ;

Removing encroachments.

37. The said corporation shall regulate all that relates to roads, bridges, canals, sewers, water-courses, drains, beaches, and public places within the limits of the said city ;

Roads, bridges, canals, &c.

38. Proprietors or occupants of houses or buildings or other real property, in or under which any drain, canal or water-course may pass, shall be bound to keep the same in good order, under the penalty of twenty dollars at most, and not less than four dollars ; If after eight days' notice given to them by the City Surveyor, in writing, or by such notice being left at their domicile or place of business, and given to any reasonable person of their family, or in their employ, they shall not do that which they are hereby bound to do, such surveyor may cause the same to be done at their cost and charges, and which may be recovered from them by the Corporation, by an action for

Proprietors or occupants to keep drains, &c., in order.

Penalty for default.

debt before the Recorder's Court, of the said city, together with the costs of such action ;

LICENSES, DUTIES, &C.

Tax on vehicles in which articles are sold.

39. The Council may also make by laws for imposing duties or taxes upon vehicles in which any provisions, meat, merchandize, or any thing shall be sold, exposed or offered for sale in the said city, or on any person selling, exposing or offering for sale such provisions, meat, merchandize or other effects in the said city, in baskets, boxes or any other manner ;

Licenses for certain callings.

40. To compel all butchers, bakers, hucksters, pedlers, car-
ters, bateaumen, canoemen and porters, residing in and carrying on their trade or business in the said city, to take out licenses and numbers, which said licenses and numbers, the said corporation is empowered to issue, and charge reasonable fees therefor ;

The same if resident outside the city.

41. To compel all butchers, bakers, hucksters, pedlers, carters, bateaumen, canoemen and porters, residing without the city limits, but carrying on their trade or business within the limits of the said city, to take out licenses and numbers, which said licenses and numbers the said corporation is empowered to issue, and charge reasonable fees therefor ;

Where only meat may be sold.

42. No person shall be permitted to sell, offer or expose for sale any meat whatsoever, except in the stalls of the market of the said city, or of any other building appropriated for that purpose by the said corporation on pain of a fine not exceeding one hundred dollars for each offence ; but the city council may, if they deem it advantageous for the said city, by a by-law to be passed for that purpose, empower any person to sell, offer or expose for sale any meat in any place beyond the limits of the said market or market stalls of the said city, upon such person obtaining a license for that purpose from the clerk of the said city, for which he shall first pay to the city treasurer such sum not exceeding one hundred and twenty dollars, as may be fixed by such by-law ; the said license shall only be valid for one year, to be computed from the date thereof ; and any infraction of this provision respecting such license shall be punished by fine not exceeding one hundred dollars ;

Except on special license.

Penalty.

Officers may demand to see license, &c. ; fine for refusal.

43. Any officer or police constable may command any person hereinabove mentioned to show him his license, and on his refusal, or if he has no license, then such officer or constable shall bring the said person before the Recorder's Court, if then sitting, to by the said court disposed of according to law ;

Recorder's Court be not sitting.

44. If the said court be not sitting, and that the person thus by him arrested cannot give good and sufficient bail before the clerk of the said court or his deputy, or before the said officer
or

or constable of police, for his appearance before the said court, at its next sitting, or if such person refuses to pay the amount of the tax or rate by him due, such person shall be detained in one of the police stations of the said city until the next sitting of the said court ;

45. The bail in the next preceding subsection mentioned shall be eighty dollars ; and if the conditions of the admission to bail, or any one of the same, be not fulfilled, the said sum shall belong to the said corporation, and may be sued for against the surety or sureties by an action before the Recorder's Court, and levied in the manner prescribed by law ;

Amount of
bail ; forfei-
ture.

46. If the said person appear, the court on the admission of such person, or on proof of the offence, shall condemn such person to pay a fine not exceeding eighty dollars ; and in default of immediate payment of the said fine, and of the costs, the said person shall be imprisoned and detained in the common gaol of the district of Quebec, for a period not exceeding two months, unless the said fine and costs, together with those of imprisonment, be sooner paid ;

Imposing and
enforcing fine.

47. To oblige all persons selling or offering for sale in the streets, squares or public promenades of the said city, any merchandize, object, article or effect whatsoever, to obtain from the said council a license for that purpose, which license shall be valid during the period fixed, and shall be given by the officer named for that purpose by the said By-law ; And, for the price or cost of such license, there may be imposed a rate not exceeding the sum of twelve dollars ;

Licences to sell
any article in
the streets.

48. To compel every person keeping horses or vehicles for hire in said city, to obtain a license for that purpose from the said council by paying for such license a sum not exceeding forty dollars ;

Or to keep
vehicles, &c.,
for hire.

MASTERS AND SERVANTS.

49. For the ruling and governing of masters, mistresses, apprentices, servants, employees and journeymen ;

To make rules,
&c.

50. The said council shall, as regards the conduct and regulation of masters, clerks, apprentices, servants, hired persons and laborers in the said city, be invested with all the powers contained in the provisions of chapter twenty-seven of the Consolidated Statutes for Lower Canada, and may impose, by any By-law which it may make on this subject, a fine not exceeding forty dollars, for the contravention of any disposition of such By-law ;

To have
powers under
c. 27 Con. Stat.
L. C.

51. Every prosecution or complaint, in virtue of such By-law, shall be brought before the Recorder's Court of the said city, and

Jurisdiction of
Recorder's
Court.

and shall be heard and decided in conformity with the law which regulates the said Court ;

Powers under
c. 27 aforesaid.

52. The said Recorder's Court, relative to the annulling of any engagement, as aforesaid, shall possess and exercise the powers conferred by the said chapter twenty-seven of the Consolidated Statutes for Lower Canada, in the cases referred to in the said chapter, and also the powers conferred on Justices of the Peace by sections six and eight of the said chapter ;

Fine on ser-
vants, &c., not
performing
their engage-
ments.

53. Any clerk, servant, hired person or laborer who, having been engaged in conformity with the provisions of the said Act or of the By-laws of the said council, refuses or neglects, without just cause, to perform the said engagement, or who, after having entered into such engagement, and before beginning his term of service in conformity with the said engagement, contracts another engagement with another person, shall, on conviction, be liable to a fine not exceeding ten pounds ;

PUBLIC POUNDS.

Impounding
animals found
at large.

54. The council may also make by-laws to authorize all officers or constables of police of the said city, to conduct into any public pound, in the said city, now established or which shall be established by the said council, any horse, cow, pig, sheep, goat or ram, which may be found straying in any street, or public square, garden or public promenade or wharf in the said city, or without any proper person taking care of the same ; and any such animal shall remain in such pound until it has been claimed by the proprietor, who shall pay such fine as shall be determined by the by-laws made for that purpose, as also the cost of keeping and feeding such animal ;

Sale, if not
claimed in
eight days.

Proceeds how
applied.

55. If such animal be not claimed within eight days following the day upon which it shall have been taken as aforesaid, it shall be sold by public auction, after notice given to that effect in the French and English languages, and the proceeds of the said sale shall be remitted to the treasurer of the said city, who shall remit the same to the proprietor of the said animal after deducting the fine and the costs of keeping and feeding ;

If owner does
not appear.

56. If the proprietor does not present himself within the six months following the said sale, the balance of the proceeds thereof, belonging to the said proprietor, shall be placed by the said treasurer to the credit of the said city, to form part of the funds of the said city ;

NUISANCES, &c.

Cleaning
privies, &c.

57. To compel every proprietor, tenant or occupant of any house or building or immoveable property in the said city, to clean

clean and empty each and every water-closet or privy in such house or building, or on the ground upon which such house or building is erected, and to close in such privy, and to make and repair such closing and covering each time it shall be deemed necessary by the road inspector of the said city ; reserving the remedy of such tenant or occupant who shall have the right of deducting from the price of the rent or occupation, every sum by him justly expended in obeying the order of the said inspector.

58. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, garden, field, yard, passage, or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, remove, or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city ; to prohibit any person bringing, depositing or leaving within the city limits any dead body, or any dead carcass, and to require the removal of the same, or any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same, and recover the amount by action of debt before the said Recorder's Court ;

Removal of
other nuis-
ances.

59. To prohibit, if deemed necessary by the said council, the erection in the said city of all soap and candle, or oil or oil cake factories, slaughter houses, dying establishments, cement factories and other factories or establishments wherein work, operations or processes is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety ; but the said council shall have power also to permit such erection, use or employment, subject to such restrictions, taxes and duties, limitation and conditions, as the said council may deem necessary ; and the council may require the obtaining of a license for which they may demand a sum not exceeding ten dollars ;

Prohibiting
slaughter houses,
and offen-
sive factories.

CRUELTY TO ANIMALS.

60. The said council may also make by-laws and regulations for punishing persons who shall ill-treat, ill-use, over-drive or over-load any animal, and also ;

By-laws for
preventing.

PUBLIC ORDER.

61. To suppress or regulate houses of prostitution, houses of ill-fame, disorderly houses or houses reputed as such, in the said city, and to make, in this respect, any By-law necessary for public tranquility, order, decency, and morals ; and to impose

Houses of
ill-fame.

- Fine.** impose for every infringement of the provisions of such by-law, relating to the said houses, a fine not exceeding one hundred dollars, which shall be recovered by the corporation of the said city, by a complaint brought before the said Recorder's Court against the person being the mistress of or occupying such house, on proof of the offence ; And in default of paying the said fine and the costs of the prosecution, the said person shall be imprisoned and detained, at hard labour, in the common gaol of the district of Quebec, for a period not exceeding four months, unless the said fine with costs and those of imprisonment be sooner paid ;
- Imprisonment in default of payment.**
- Cock-fighting, &c.** 62. To prohibit cock-fights, dog-fights, or fights of other animals, and all cruel amusements in the said city, and all games whatsoever in the streets or public squares, gardens or public promenades, or wharves in the said city ;
- Closing shops on Sunday.** 63. To prevent any person whatsoever, (druggists excepted) from selling or retailing, or causing to be sold or retailed, or exposed for sale on Sundays, any effects, merchandize or things whatsoever ; and to punish every infraction of such By-law by fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding two months, or both, in the discretion of the court which shall hear the complaint ;
- Fine.**
- Closing taverns, &c., at certain times.** 64. To cause every house or building whatsoever, licensed or unlicensed, in the said city, in which spirituous liquors, wines, beer or temperance liquors are sold, to be closed from nine o'clock on every saturday evening, until six o'clock on the morning of the following monday ; and to compel the closing of every such house or building, whether licensed or unlicensed in the said city, in which spirituous liquors, wine, beer or temperance liquors are sold, from ten o'clock at night of each day until five o'clock in the morning, from the twenty-first day of March to the first day of October, and from nine o'clock at night until six o'clock in the morning from the first day of October until the twenty-first day of March in every year, and for punishing any infraction of such By-law by fine not exceeding sixty dollars, or by imprisonment for a term not exceeding two months, or both, at the discretion of the Court hearing the complaint ;
- Racing or furious driving.** 65. To prevent horse racing or furious driving in the streets of the said city, and any race or trotting match or otherwise on any highway or public road within a radius of nine miles beyond the limits of the said city ;
- Gaming.** 66. For suppressing, or regulating and taxing all gaming and gaming-houses ;
- DOGS.
- Vicious dogs.** 67. To punish, by fine, every person who shall keep or have in his possession a vicious dog, biting or attacking the passers-by

or other persons, or who shall keep any other vicious animal, ferocious or dangerous, to the safety, or obstructing and disturbing the tranquility of the citizens or of others in the city ; and to order that the said dog or other animal be shut up or killed, or cause to be killed, or destroyed, at the cost and charge of the proprietor or persons keeping the same.

68. To award damages, not exceeding forty dollars, to any person bitten or wounded by such dog or animal, and the prosecution for the said fine or damages shall be brought before the said Recorder's Court, and heard and judged according to the laws which regulate the said Recorder's Court ;

Damages for injuries by dogs.

If the person thus bitten or wounded be a minor of less than sixteen years of age, in such case the action and damages shall be brought in the name of the father, or mother, or tutor of such minor ;

If person hurt be a child.

69. To compel the owners and persons in charge of dogs to put collars on such dogs, with the name or names of the owner or persons in charge thereof legibly inscribed thereon ;

Collars on dogs.

HORSES, CARTERS, &C.

70. To punish by fine the owner, keeper, or driver of any horse found in any street, lane, wharf, or other public place in the city, without any competent person being in charge thereof ;

Horses left alone.

71. And by such by-law, the master proprietor or possessors of any such horse may be prosecuted personally and condemned for any infringement of the provisions of this by-law, whether the said infringement has resulted from the action of the said master, proprietor or possessor, or from the act of his domestic, servant or other person whosoever in his service, or to whom he may have loaned or leased the said horse ;

Penalty, whether injury arise or not.

72. For the good government and discipline of carters, and for establishing carters' stands in the said city ; and to make, change and alter a tariff of fees to be taken and charged by such carters ; and upon all persons hiring out horses or vehicles in the city ;

Carters and carters' stands.

And by any by-law so made, any person exercising the calling of carter may be held responsible for each and every violation of the said by-law committed by such carter or by his hired men or servants, whether the said violation arises from the act of the said carter, or from the act of any such hired men or servants, and may be prosecuted and punished in conformity with the provisions of such by-law ; But nothing contained in the present clause, or in the one immediately preceding, shall prevent the person by whom such act has been committed from being prosecuted and punished by virtue of the by-laws mentioned in said clauses.

Damages from misconduct of carters.

FERRIES AND FERRYMEN.

73. The Council may also make By-laws,—

Regulating
ferries.

Tolls and
licenses.

Appropriation
of licence fees.

To regulate the ferries and ferrymen on the River St. Lawrence between the said City of Quebec and any place within the distance of twelve miles from the said city ; to fix the tolls to be charged and exacted by the said ferrymen ; grant licenses to the said ferrymen and fix the price or sum to be paid for each license and the period at which the same shall be renewed each year—one half of the said sum shall belong to the Corporation of the City of Quebec, and the other half to the respective municipalities to which the said ferries extend ; to impose a penalty for all infringement of such by-law ;

Council may
grant exclusive
right of ferry to
Lévis, after
public auction.

74. But nothing shall prevent the said Council, if found more advantageous to the said city, from passing a by-law to authorize the sale and adjudication by public auction of the exclusive right of ferrying passengers, merchandise, animals and other property whatsoever, between the said city and the town of Lévis during a period not exceeding nine years ; the said by-law fixing and determining the day, the hour and place where the said sale shall take place, the upset price, and the conditions upon which the said sale shall be made ; the adjudication shall be made to the highest and last bidder, and the sum for which the last bid shall have been given shall be the amount which the purchaser shall be bound to pay annually, during the term for which the same shall have been adjudged, at the period to be fixed by the said by-law ; a deed of the said sale and adjudication shall be passed before notaries between the said corporation and the purchaser ; the latter shall be bound to furnish two or more securities, proprietors of immovable property, who will bind themselves jointly with him towards the said corporation for the payment of the said sum, and for the execution of all the clauses, conditions and stipulations set forth in the said deed ; the said securities shall furnish a certificate from the Registrar of the county or division of county in which the immovable properties of the said securities shall be situated, stating that the said properties are clear of all debts or mortgages, or at least to the amount of the said sum ; the designation and description of the said properties shall be set forth in the said deed, and the said properties shall remain hypothecated in favor of the said corporation ;

Adjudication for
want of deed
and security.

75. If, within the four days which shall follow the said adjudication, the purchaser has not furnished the securities required as aforesaid, or should he neglect or refuse within the same delay to sign the said deed, the said sale shall be null and void, and the mayor of the said city shall order, without any other formality, another sale and adjudication, without prejudice to the legal recourse of the said corporation against the preceding purchaser ;

76. The amount arising from such sale as aforesaid shall be divided between the said corporation and the municipality to which the said ferry shall extend ; Division of proceeds.

77. The said council may, by the by-law authorizing the said sale and adjudication, make such rules and regulations for the convenience and safety of the passengers and the mode of crossing, by fixing the time and number of the crossings to be made each day, and may impose a penalty not to exceed forty dollars for any infraction of the provisions of such by-law ; Safety of passengers, numbers of crossings, &c.

ICE BRIDGE OVER RIVER ST. LAWRENCE.

78. To prohibit any person from preventing, in any manner whatever, the ice from stopping and forming a bridge on the River St. Lawrence, from Montmorency River as far as and comprising the place called *Cap Rouge* on the said river, or from breaking, shattering or damaging in any manner whatsoever, all such ice or ice bridge formed or stopped in the said limits, and to punish by a penalty, not exceeding eight hundred dollars, all infringement of any of the provisions of all by-laws passed to that effect ; which said penalty shall belong to the corporation of the said city, and may be sued for in a summary manner before the Recorder's Court of the said city ; and in default of payment of the said penalty and the costs, the defendant shall be imprisoned at hard labor for a time not to exceed three months, unless the fine and costs and those of imprisonment be sooner paid ; and to that end the said court has the power to summon the transgressor, although he may reside without the limits of its jurisdiction, to appear before the said court to answer to the charge brought against him to defend and be judged in conformity with the law which governs the said court ; Prohibiting any impediment to formation of ice bridge.

Penalty and how enforced.

Power of Court.

WHARVES.

79. To regulate and fix the rental to be recovered by the said corporation, for all wharves, the property of the said corporation ; Fixing rent.

CATTLE STANDS.

80. To authorize the sale by public auction, if the said council finds it more advantageous, and cause to be adjudged to the last and highest bidder, each year, at the period which shall be fixed by the by-laws made to that effect, for one year, the cattle stand and weigh-house, or other sources of revenue of all or any of the markets in the said city, and fix the conditions of such sale and adjudication ; but the purchaser shall be bound to furnish two securities, proprietors of immovable property situate in the said city ; which securities shall present a certificate from the Registrar of the County of Quebec, showing that the said properties are free from all debts or mortgages at least to the amount of the said adjudication ; the said securities Selling cattle stands in markets by auction.

Purchaser to give security on real property, &c.

Or the sale to
be null.

securities shall bind themselves jointly with the purchaser for the payment of the price of the said adjudication and the execution of all the conditions of the said adjudication ; a deed of the said adjudication shall be passed before a notary and the said securities shall give and cause to be inserted the designation and description of their said properties, and the said deed shall carry a privileged mortgage in favor of the said corporation ; if in the four days which shall follow the said adjudication the deed is not executed and completed in the manner above mentioned, the said adjudication shall be null, and the council shall order to proceed, without any other formality, to another sale and adjudication, reserving, however, the legal recourse of the corporation against the purchaser.

FEES OF OFFICERS OF COUNCIL.

By-laws.

81. The said council is also authorized to make, in conformity with the law, one or more By-laws :

Fees to officers
of the Council.

82. To fix and determine the fees to be exacted and levied by the respective officers of the said council, for any service by them done or rendered, at the demand of any person, or for searching for, making copies or extracts from any By-law or document whatsoever, of which they respectively have charge ;

To belong to the
City.

83. The said fees shall form part of the funds of the said city ; but no fees shall be exacted in those cases in which the law obliges the said council or its officers to give, gratuitously, copies, extracts or communication of any By-law or document.

GENERAL PROVISIONS RESPECTING BY-LAWS.

Form of pass-
ing.

Publication,
&c.

30. Every by-law shall be read thrice by the said council, at regular and separate meetings, before being finally adopted, and submitted to the Governor in Council ; and after having undergone the first reading it shall be published at length in an English newspaper and in a French newspaper published in the said city, and be followed by a notice indicating on which day such by-law shall receive its second reading, and an interval of at least three clear days shall elapse between such notice and such second reading :

Proof of By-
laws.

2. All copies written or printed, of any by-law, rule or order of council, certified by the city clerk, produced before the said Recorder's Court, or any court of justice, shall be held authentic until proof to the contrary ;

Present By-
laws, &c., con-
tinued till re-
pealed.

3. All rules, regulations, by-laws or orders heretofore legally made by the said city council, or heretofore legally made by the Justices of the Peace, or any other competent authority, and now in force, shall continue to be in force in the said city, until they shall have been abrogated and annulled ;

4. The by-laws now in force in the said city, or which may in future be in force within the limits of the said city, shall be considered public Acts, and knowledge shall be had of them by every Court, Judge and person whatsoever, without it being necessary to allege them specially ;

To be deemed
public Acts.

5. A certified copy of every by-law adopted by the city council, shall be transmitted by the city clerk to the Governor General who, during the three months following may disapprove of them, and such disapproval shall render such by-law null and void, in the same way that every by-law is null and void which is repugnant to any law of the province ; but if this disapproval of the Governor shall not be signified to the city council, such by-law shall continue to have full force and effect, unless contrary to any law in force ;

To be trans-
mitted to Go-
vernor, who
may disap-
prove.

6. The council may, for the punishment of the infraction of any by-law, impose a fixed or variable fine or penalty, and imprisonment in default of payment, and leave it to the discretion of the court to determine the amount of such fine or penalty, the time of payment, and the term of imprisonment ; the fine or penalty shall not in any case exceed forty dollars, and shall be sued for and recovered in the manner and form prescribed by the law regulating the Recorder's Court of the said city, and the imprisonment shall not be for a longer period than two calendar months, unless a different penalty or imprisonment be fixed by law ;

Discretionary
fines, &c., may
be imposed.

Limitation.

7. The council may authorize any officer or constable of the police to enter any house, building, yard, premises or other locality whatsoever in the said city, to ascertain if any infringement of the laws or by-laws now in force or which may hereafter be passed by the said council is being therein committed ;

Authorizing
entry by police,
&c.

8. Whoever shall refuse admission to any officer or constable as aforesaid, or who shall resist his visiting any house, building, yard, premises or other place as aforesaid, in any case in which such officer or constable is authorized by a by-law to demand and exact such admission, or who shall use insulting language towards him, or shall assault and strike him, shall incur, on conviction for the said offence, a fine not exceeding twenty dollars, which said fine shall be sued for and recovered in conformity with the law ;

Penalty for
refusing admis-
sion.

9. Unless it be otherwise enacted by the present Act, the said council, by any by-law which it may make by virtue of the provisions of the present Act, may impose, for every infringement of such by-law, a fine not exceeding forty dollars, which fine shall be sued for and recovered before the said Recorder's Court, in conformity with the law ;

General limit of
fines.

Recognizances
under this Act.

10. All recognizances in penal matters, taken and received in virtue of the present Act, shall hold good if taken before the Recorder's Court, the Recorder, or a Justice of the Peace of the District of Quebec, and shall be subject, as to forfeiture before the said court, to all the proceedings required for the forfeiture of recognizances before courts of criminal jurisdiction.

THE POLICE FORCE.

To be under
control of a
Board.

31. The police force now established in the said city shall, after the passing of this Act, be under the control of a Board consisting of the Mayor, the Recorder, and the Judge of the Sessions of the Peace for the said city, of whom two shall be a quorum, who shall fill all vacancies that may occur in the said force, and have power to appoint and dismiss the men of the said force from time to time; the number of men appointed to compose the said force shall not at any time be less than at present engaged; but the City Council shall have power to increase such number from time to time, as they may deem expedient:

Number of
men.

Police to obey
the Board.

2. The said corps of police shall be under the exclusive control of the said Board, and shall obey—as shall also every man belonging to the said corps—all lawful orders of the said Board and of the Recorder's Court of the said city;

Funds for
police purposes.

3. The said Board shall receive from the funds and revenues of the said city all sums necessary to clothe, equip, arm and lodge the said corps of police or any portion of the same;

Police men to
be constables.

4. Every man forming part of the said corps shall be called a constable of police, and shall have all the powers and privileges attributed by law to constables; and shall be subject to the same responsibility in the exercise of the powers imposed upon him by the present Act; and this provision shall apply to all officers of the said corps;

To be sworn.

5. Before entering upon his functions, every officer or man of the said corps shall make oath, before the Recorder's Court of the said city, (Form F of this Act) to fulfil well and faithfully the duties imposed upon him in his said capacity;

Discipline.

6. The said Board shall make all the by-laws necessary for the organization and discipline of the said corps;

Duties of police.

7. The said constables of police shall keep watch, day and night, to maintain good order and the public peace; to enforce the observance of all laws, rules, by-laws and ordinances in force in the said city, and to prevent misdemeanors and felonies in the said city;

8. The powers of the said constables shall extend to the whole of the District of Quebec; but they cannot act outside the limits of the city unless with the written authority of the Board, or by the order of the Recorder's Court; Extent of jurisdiction.

9. No constable of police shall leave the said corps before the expiration of the period of his engagement, unless he shall have been dismissed; and in all cases in which a constable shall cease to form part of the said corps, he shall cease to possess the powers conferred upon him by this Act; Men to serve their term of engagement.

10. Every constable of police, when, in the execution of his duty, shall arrest on view any vagrant, idle, loitering, loose and disorderly person whom he may find disturbing the public peace, or whom he has just reason to suspect of some evil design; or, Arresting vagrant, &c.

11. Every person whom he shall find lying or loitering in any field, road, street, yard or other place whatsoever in the said city, and not giving a satisfactory account of his presence in such field, road, street, yard or other place; and he shall conduct such person to the nearest police station, there to be detained until the next sitting of the Recorder's Court (if the said court be not then sitting) to be judged according to law, unless such person shall give, before the officer or constable having command or care of the said station, good and sufficient security for his appearance before the said court at its next sitting; Or loiterers not giving good account of themselves.

12. And any person whom he may find committing any offence against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, and the Acts amending the said chapter; Or offending against c. 102 of Can. Stat. L. C.

13. The said Recorder's Court, on due proof of the offence, according to the law which regulates the said court, shall condemn any of the persons mentioned in the three next preceding subsections, to pay a fine not exceeding forty dollars, and, in default of immediate payment, to an imprisonment, with or without hard labor, for a space of time not exceeding four months, unless the said fine and all costs shall be sooner paid; Fine on such persons.

14. Every officer or constable of police shall, both by day and by night, arrest on view any person infringing a By-law, order or ordinance in force in the said city, and conduct him before the Recorder's Court (if the said court be sitting), there to be judged according to law; Persons seen infringing by-laws. Taken before Recorder.

15. If the said court be not sitting, he shall conduct the said person to the nearest police station, there to be detained until the next sitting of the said court; If Court be not sitting.

[resident in
the city.

16. If such person reside within the limits of the said city, and is known to the constable of police by whom he was seen committing such offence, or to any other officer or constable of police, in such case such person shall be liberated on his promise to appear before the said court at its next sitting, and if he neglect to appear, he shall be proceeded against by a summons, according to the law which governs the said court ;

Right of police
to enter houses,
&c.

17. Each and every police constable shall have the right to enter and visit any house, building or ground, or any place or house of public entertainment, in order to ascertain whether any infringement of any Act in force in the said city, or of the present Act, is being therein committed ;

Penalty for
opposing entry.

18. Whosoever shall oppose such visit, or who shall refuse to allow the said constable to enter any such house, building or other place as above, or who shall resist, abuse, assault or strike him, in the execution of any duty imposed upon him by the present Act, or any other Act, or any by-law of the said council, shall incur, on conviction, a fine not exceeding forty dollars, or imprisonment for a period not exceeding two months, or both fine and imprisonment together, at the discretion of the court taking cognizance of the complaint ;

Punishment of
policeman
guilty of diso-
bedience, &c.

19. Any police constable who shall be guilty of disobedience, insubordination, drunkenness, negligence, bad conduct, abuse of power, partiality or malversation in the exercise of the duties imposed upon him by the present Act, shall incur, on conviction, for such offence, a fine not exceeding forty dollars, or imprisonment for a period not exceeding two months, or suspension or dismissal from his situation, or several of these penalties at the same time, at the discretion of the court taking cognizance of the complaint ; prosecutions to this effect may be instituted by summons before the Recorder's Court in the name of the Corporation of the City of Quebec, at the demand of the Police Board of the said city, or of any officer of police, or of any person, and no officer or constable so dismissed, shall be competent at any future time to serve in the said police force.

Proceeding in
such case.

ERECTION OF WOODEN HOUSES.

Not to be
hereafter
erected.

32. After the passing of this Act, it shall not be lawful for any person whomsoever to construct or erect any house or building of wood in the said city, or to cover with wood or shingles any house or building :

Chief of police
to report con-
traventions.

2. The chief of police of the said city, shall see to the execution of the foregoing provision, and shall make a report, in writing, to the Recorder's Court of the said city, of any contravention of the same ;

3. The said court, upon such report, shall order the issue of a writ of summons addressed to the proprietor or possessor of the ground upon which such house or building, in wood, shall have been constructed or erected; or in case such house or building is in process of construction, the said summons may be addressed to the contractor or workman constructing or erecting such house or building; ordering, by the said summons, the person so summoned to appear before the said court, at the place, day and hour mentioned in the said writ, in order to answer the complaint laid in the said summons, and to hear the order that the said house or building erected, constructed or in process of erection or construction, shall, within the delay which shall be fixed by the said court, to be thrown down and demolished;

Proceeding on
such report.

4. The corporation of the said city shall be the plaintiff in the said summons;

Corporation to
be plaintiff.

5. If, on the day of the return of the said summons before the said court, the defendant do not appear, the said court, after proof of the service of the said summons, and on proof by one or more credible witnesses, of the allegations contained in the said summons, shall order, that within the delay which it shall fix, the said house or building be thrown down or demolished by the said defendant; and signification of the judgment to this effect shall be made to the defendant in the ordinary manner;

If the defendant
do not appear.

6. If the defendant appear, the said court, after having heard the witnesses produced by the parties, shall decide according to law;

If he appears.

7. In all cases where the said court shall have ordered the defendant, within a certain delay, to throw down and demolish such house or building,—if, at the expiration of the said delay, the order of the said court has not been executed, the said court, on the report in writing, and under oath (made before the said court), of the said chief of police, shall order that a writ do issue from the said court, addressed to the sheriff of the district of Quebec, instructing him to cause to be demolished, without delay, and by all lawful means, the said house or building;

If demolition be
ordered and
order not
obeyed.

Sheriff to
demolish.

8. The said sheriff shall report to the said court any act or thing by him done in execution of the said writ, and the lawful costs by him incurred for that purpose, which costs, after approval by the Recorder of the said city, shall be paid to him by the treasurer of the said city without other formality;

Sheriff's report
and costs.

9. Any resistance to the said sheriff, or to the persons by him employed, in the execution of the said writ, shall be a misdemeanor,

Punishment for
resistance.

misdeemeanor, punishable on conviction before a court of competent jurisdiction, by a fine not exceeding four hundred dollars, and in default of payment of the said fine, by imprisonment and detention at hard labor in the common gaol of the said district of Quebec, for a period not exceeding twelve months ;

Costs, how levied.

10. The costs of summons and proceedings in such cases, as well as those incurred in demolishing or throwing down any such house or building, shall be levied by the seizure and sale of the property and effects, movable and immovable, of the defendant, on a writ of execution issued by the said Recorder's Court, in conformity with the law ;

Buildings not to be re-covered with shingles.

11. After the passing of the present Act, any house or building which may be built, re-built or erected in the said city, shall not be covered with wood or shingles ; but any such house or building shall be covered only with sheet-iron, tin, zinc, slate or other incombustible material, under pain of a fine not exceeding two hundred dollars for every infringement of the present provision ; and, furthermore, of a fine of twenty dollars per day for every day during which the said infringement may continue ;

Fine.

How recoverable.

12. The said fine shall be recovered by the said corporation, by an action of debt, on proof of such infringement established by two or more credible witnesses, and recovered from the defendant in the same manner as other debts, due to the said corporation, may be so recovered on an action brought before the said Recorder's Court ;

Punishment of chief of police for neglect of this duty.

13. If the chief of police neglects to perform the duties imposed upon him by this Act, or if, being required by any person whomsoever to perform the same, he refuses or neglects so to do, the said chief of police, on complaint to that effect brought by any person whomsoever, or by the said corporation, before the said Recorder's Court, shall, on proof of such offence, established by two or more credible witnesses, be condemned to pay, for every such offence, a fine not exceeding two hundred dollars, which said fine shall belong to the said city, and shall, by an action of debt, be sued for and levied in the same manner as hereinabove mentioned.

POWERS OF CITY SURVEYOR WITH RESPECT TO STREETS.

Width.

33. No street, public passage or lane which may hereafter be opened, within the limits of the city, shall be less than thirty feet in width :

Taking possession of ground encroached on.

2. The Corporation shall and may retake possession, without payment of any indemnity of the ground of any street, road, market or other public places, upon which any person may have encroached ;

3. The City Surveyor and Inspector or Inspectors of roads shall visit the streets, roads, lanes, bridges, market-places, and other places, and generally all the property of the said corporation, and cause all obstructions to be removed therefrom and also all encroachments, by the persons liable or interested therein, by giving such persons notice in writing, either by serving or causing it to be served upon them personally, or by leaving or causing to be left such notice at their domicile or place of business, in charge of a reasonable member of their family, or person in their employ, requiring them to remove and suppress the said obstructions and encroachments, within a reasonable time to be specified in such notice, and in default of their doing so within the time to be so specified, the said inspectors or any or either of them, shall cause the said obstructions to be so removed and the said encroachments to be suppressed, at the cost and charges of such persons, which cost and charges may be recovered, by a suit for debt brought in the Recorder's Court in the name of the said corporation, of and from such persons, together with the cost of such suit or action, and such persons shall further be liable to a penalty, not exceeding forty dollars for non-compliance with such notice ;

City surveyor to cause obstructions and encroachments to be removed.

Notice to persons in default.

Costs.

Fine.

4. Whenever the city surveyor shall deem it necessary that a new foot-way should be laid down or renewed, or repaired in the whole or in part, in front of any house or premises in any street in the city, it shall be incumbent on the proprietor or occupant of such house or premises, within seven days after notice in writing to that effect shall have been served upon him or her, by or at the instance of the said city surveyor, either personally or by leaving the said notice at the residence or place of business of such proprietor or occupant, and giving the same to a reasonable member of the family, or person in the employ of such proprietor or occupant, which said notice shall require the said proprietor or occupant to furnish and deliver on the spot the necessary deals or planks to repair or to make such footway or renew the same in whole or in part, and to comply with the requirements of the said notice, and in default of such proprietor or occupant doing so within the said delay, it shall be competent to the said city surveyor to cause the said deals or planks to be purchased for any of the purposes aforesaid, and delivered on the spot aforesaid, at the costs and charges of such proprietor or occupant, which said costs and charges shall be recovered from such proprietor or occupant by an action for debt instituted in the name of the corporation in the Recorder's Court, together with the costs of such action; in cases where the occupant, by lease or agreement, is not bound to pay such charges, he shall be entitled to recover the amount of the said deals and planks, and cartage thereof, or the amount of the judgment rendered against him, and costs, from the proprietor or other person bound by such lease or agreement to pay the same, by an action brought to that effect before the said court ;

Proceedings for causing renewal of any footway.

Notice.

Proprietor to furnish wood : or corporation at his expense.

Recourse of tenant furnishing wood.

Persons intending to build, &c., to give notice to city surveyor, before placing materials on street.

Fine for contravention.

Fee for permit.

Projections over streets, &c., prohibited.

Removal thereof.

Winter roads.

City Council to cause plan to be prepared and deposited in office of City Clerk.

Corrections, and homologation : its effect.

5. Any person desirous of building, reconstructing, demolishing or repairing any house, building, enclosure or wall on any street, road, lane, or public place, shall give notice to the city surveyor of the time when such work will be commenced and finished, and obtain from him or other person duly authorized, a permit, stating the width upon any such street, road, lane, or public place, such person may occupy, for placing building material or rubbish thereon, and such width shall not exceed one third of the said street, road, lane or other public place, and shall be enclosed by the person so building, demolishing or repairing, by a wooden fence of at least ten feet high; any person violating any of the provisions shall be liable to a penalty not exceeding forty dollars ;

6. The said corporation may charge a reasonable fee for such permit to the person to whom it shall be given ;

7. It is strictly prohibited to have any gallery, window, portico, staircase, sign, or other obstruction, extending or projecting from any house or building into or beyond the line of any street, road, lane or public place in the said city, and the city surveyor shall, without previous notice, cause any such obstruction to be removed at the expense of the proprietor of such house or building ; which said costs and charges shall be recovered by an action of debt by the said Corporation before the Recorder's Court ;

8. From the first day of November until the first day of May in each year, the proprietors or occupants of houses, lots or vacant spaces of ground in the city, shall keep in repair and in good condition, the roads whereby their property is bordered on every side, conformable to the regulations which may be in force.

GENERAL PLAN OF THE CITY.

34. The city council shall, within three years, cause to be made a general plan of the city, and such plan shall be deposited six consecutive months in the office of the city clerk, for the inspection of the public ; notice of such deposit shall be given by the city surveyor once a week during the said six months, in a French and in an English newspaper published in the said city ; and the day on which the homologation of such plan will be applied for shall be mentioned in such notice ; whoever shall consider himself aggrieved by the said plan, shall find such plan erroneous in any particular, shall file a written opposition before the Recorder's Court, before the said day fixed for the homologation thereof, and the said court shall decide summarily, and award costs in favor of or against such opposant according to law and justice ; if the plan shall be approved and confirmed, the clerk of the said court shall mention it on the said plan, and thereupon such plan shall be binding for and against all persons.

EXPROPRIATION FOR PUBLIC IMPROVEMENTS.

35. The council of the said City of Quebec shall have full power and authority to provide by a by-law of the said corporation for opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city funds, or that the costs thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in, or benefited by, the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the corporation of the said city and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening streets, public squares, markets, or other public places, or for continuing, enlarging, or improving the same, or a portion of the same, or as a site for any public building to be erected by the said council:

By-law authorizing public improvement: and at whose cost.

Taking land for such improvement.

2. All corporations or bodies, and all husbands, tutors, guardians, curators *grevés de substitution*, or trustees who are or shall be seized or possessed of, or interested in, any piece or pieces, lot or lots, of ground or real property within the said city, selected and fixed upon by the said council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom, or in trust for whom they are, or shall be, seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert*, or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of, or in pursuance of this Act, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances;

Certain parties enabled to convey to corporation.

3. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof,

In case the party and the council cannot agree upon the compensation to be paid.

or

- or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

Notice by post to the party last assessed for the property : and in newspapers.

Petition to Superior Court or Judge to appoint three commissioners to fix compensation for all property taken.

Court or judge to appoint.

Provided.

Commissioners appointed bound to Act, under penalty.

4. The corporation of the said city, by their attorney or counsel, shall give a special notice addressed through the Post Office to the person in whose name the property was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile, and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that they will by and through their said attorney and counsel present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the District of Quebec, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*) ; and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition ; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof ;

5. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report ; Provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable grounds being shown to that effect ;

6. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said

Superior

Superior Court to inflict upon each of the said commissioners upon proof of his or their refusal or neglect to perform the said duties ; but the exemptions provided for, in behalf of certain persons, by the Statute for Lower Canada, relating to juries, shall apply equally to any of the said commissioners, who may appertain to any one of the classes of persons mentioned in the said Statute ;

Exemptions.

7. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map shewing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated ;

To be furnished with plan.

8. The said commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked K ; and they shall be invested with the same powers and intrusted with the same duties as are conferred by the laws in force in Lower Canada upon *experts* in reference to appraisements ; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties ;

Oath of office.

Powers.

Remuneration.

9. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds ; and upon their failing to comply with such demands, the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested ; and the amount of the said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation ;

Power to compel production of title deeds.

10. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the city council or for the damages caused by such expropriations ; and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected, required for any improvement which the said council may have ordered to be made and carried out at one and the same time ; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation ; but the said examination and interrogatories shall be made *vivâ voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage or

Duties of commissioners in fixing compensation.

Hearing parties and witnesses.

Proviso: in case of difference of opinion, majority to decide.

or custom to the contrary notwithstanding; provided always, that if, in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

If only part of any property be taken.

11. In every case wherein the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation;

If the commissioners fail to perform their duties, they may be removed and others appointed.

12. If one or more of the said commissioners, at any time after their appointment, shall fail in the due performance of the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the corporation of the said city, by its attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and replace the commissioner or commissioners who may have forfeited or violated his or their obligations; and upon such petition the said court or judge may issue such orders as may be deemed conformable to justice;

If either of the commissioners die, &c.

13. In case any of the said commissioners should, after being appointed, die or be unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect to be presented by the corporation of the said city, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

14. So soon as the said commissioners shall have completed the proceedings relating to the appraisalment, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, or who may consider themselves aggrieved by the said appraisalment, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said commissioners to maintain or modify, at their own discretion, the appraisalment made by them of any piece or parcel of land or real estate as aforesaid;

Public notice of decision of commissioners.

Hearing parties aggrieved, Corrections.

15. On the day fixed in and by the judgment appointing the said commissioners, the corporation of the said city, by their attorney or council, shall submit to the said Superior Court, or to one of the Judges thereof respectively, the report containing the appraisalment of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinafter provided for have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal;

Homologation of Report of commissioners which shall then be final.

16. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said city, hereinbefore provided for, or if any street, public place or square shown and designated on the said plans or maps, shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever, shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the fourth subsection of the present section, shall have been posted upon the said pieces or parcels of land or real estate as aforesaid;

No compensation for buildings, &c., erected after notice of intended improvement.

17. The corporation of the said city shall, within fifteen days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages

Compensation awarded to be deposited in Court: effect of such deposit.

damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter in possession of, and use the same for any of the purposes authorized in and by this Act; any law, statute or usage to the contrary notwithstanding;

Compensation to represent the property as regards charges on it.

18. Any expropriation made in virtue of the present section shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgages or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act;

Court to call in creditors, &c., of parties entitled to compensation.

19. When the money shall have been deposited and consigned in the hands of the Prothonotary, in accordance with the provisions of the seventeenth subsection of this section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; Provided, always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply, to his creditors), the amount of such price or compensation and damages shall not be subject to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost whatsoever;

Proviso: not to be subject to tax.

Foregoing provisions to apply to compensation in certain other cases, where land is not taken.

20. All the provisions contained in the fifth and following subsections of the present section of this Act, with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said council, in the level of

of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, or to any party by reason of any other act of the said council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said corporation shall not agree; and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city surveyor the level of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee;

21. In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging or otherwise improving the said streets, squares, market-places, or other public places, or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; Provided, Corporation may take more than the extent actually requisite. nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place or site for any public building, in case the proposed improvement applies to both sides of such street, square, market-place or site, as aforesaid; Provided Limitation. also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days previous to the day fixed as aforesaid on which the said commissioners are to begin their operations; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more; Proprietor may object, and then the provision shall not apply.

22. The corporation of the said city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act, for similar improvements within the limits of the said city; Provided, always, Corporation may improve streets, and acquire land beyond the limits of the City. that Proviso: con-

sent of municipality required.

that before exercising any of the powers conferred upon it, by the present section, the said corporation shall obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid ;

Corporations whose property is taken may acquire other property.

23. Corporations, ecclesiastical or civil, whose property or any part of whose property, shall be conveyed to, or taken by the said corporation of the City of Quebec, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same, without Her Majesty's Letters of Mortmain, any law to the contrary notwithstanding ;

Assessment of costs of improvement on parties benefited.

24. So soon as the report of the said commissioners shall have been confirmed and ratified by the said Court, or by one of the judges thereof, as the case may be, conformably to the fifteenth subsection of the present section of this Act, it shall be the duty of the assessors of the said city, in all cases where the said council may have ordered, in conformity with the first subsection of the present section of this Act, that the cost of the said works or improvements shall be borne in whole or in part by the proprietors or parties interested; benefited or to be benefited by the said improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the by-law of the said council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited, by such improvement; and the said assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement ;

Basis of assessment.

Deposit of special assessment Roll.

25. Immediately after the completion of the said special assessment roll, the said assessors shall deposit the same, duly certified, along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the city clerk, for the examination and inspection of all parties interested; and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said city, which notice shall have at least two insertions in one newspaper published in the

Notice.

French

French language, and a like number of insertions in one newspaper published in the English language ; and every proprietor or interested party may, within fifteen days from and after the last insertion of the said notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said assessors may, and they are hereby empowered, to maintain or modify, at their discretion, the special assessment roll ; provided that the delay of fifteen days aforesaid once expired the said special assessment roll shall, of right, be confirmed and become in force by the mere lapse of time ;

Parties aggrieved to be heard.

Corrections.

Delay for corrections.

26. The special assessment mentioned in the next preceding subsections may be recovered by the corporation of the said city in the same manner as any other tax or assessment which the said corporation are authorized to impose by this Act ;

Recovery of such assessment.

27. The duties assigned to the said assessors by the twenty-fourth and twenty-fifth subsections of the present section may be performed with the same force and effect by the concurrent majority of the said assessors ; and in every case where a difference of opinion may arise between the said assessors, the decision of the majority of all the assessors shall have the same force and effect as if the whole of the said assessors had concurred therein ;

Majority of assessors may act.

28. The mode prescribed in the preceding subsections for expropriations, and for levying and determining special assessments, shall have force and effect, and shall be followed and applied, only as regards works and improvements which the council of the said city may hereafter order to be carried out ;

Preceding provisions to apply to future improvements, only.

29. It shall be lawful for the council of the said city to order, by by-law, certain works or improvements in the streets, public places or squares of the said city, such as dressed-stone paving, flagstone or brick footpath or side-walks, or grading, and to defray the cost of the said works or improvements out of the city funds, or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such streets, public places or squares in proportion of the frontage of the said real estate respectively ; and in the latter case it shall be the duty of the city surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid ; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court ;

Council may order dressed-stone footpaths, &c.

Cost, how payable and how assessed.

Who shall be deemed absent.

30. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of the present section ;

Bailiffs may serve notice under this section.

31. Any bailiff of the Superior Court for the district of Quebec may serve and post up the notifications required by the present section, and make a return thereof under his oath of office.

THE CITY WATER WORKS.

Corporation may construct water works and to what distance beyond the City.

36. And whereas it is necessary to consolidate and amend the law relating to the water works of the City of Quebec ; it is enacted that the corporation of the City of Quebec is authorized to make, erect, construct, repair and maintain, in the City of Quebec, and without the limits of the said city for a distance of twenty-five miles, water works, together with all appurtenances and accessories necessary to introduce, convey and conduct throughout the said city and parts adjacent a sufficient quantity of good and wholesome water, which the said corporation is authorized by the present Act to take and distribute for the use and supply of the inhabitants of the said city and the parts thereto adjacent ; and also to improve, alter or remove the said water works or any part or parts thereof ; and to change the site of the several engines and places or sources of supply thereof ; and also to erect, construct, repair and maintain all the buildings, houses, sheds, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the said city and parts adjacent thereto :—For this purpose the said corporation may purchase, hold and acquire any lands, tenements and immovable estates, servitudes, usufructs and hereditaments in the said city, or within a circuit of twenty five miles from the limits of the said city ; and also to make contracts for the acquisition of lands necessary for the said water works ; acquire a right of way whenever it may be necessary ; pay any damages occasioned by such works either to buildings or lands ; enter into and make agreements and contracts with any person for the construction of the said water works in whole or in part ; superintend and direct the works completed ; name and appoint an engineer and all officers and laborers necessary, and fix their salaries or wages ; enter during the day-time, upon the lands of private individuals for the purposes aforesaid and also make excavations and take and remove stones, soil, rubbish, trees roots, sand, gravel and other materials and things, but by paying or offering a reasonable compensation for the said materials and things, and by conforming in all things with the provisions of this Section ;

Powers for this purpose.

The said rights may be assigned and re-purchased.

2. The said corporation may assign and make over, for a period not exceeding twenty years, all the rights and privileges conferred by the present section, and may re-purchase them after having been so assigned.

3. All bodies politic or corporate, or corporate or collegiate corporations, aggregate or sole, communities, husbands, tutors or guardians, curators, *grevés de substitution*, executors, administrators and other trustees or persons whatsoever, are authorized to sell to the said corporation such lands, tenements, servitudes, usufructs and hereditaments, which the said corporation may require for the purpose of the present section, and which they may be possessed of in their present qualities; they may also agree with the said corporation in the same way as private individuals, respecting all matters relative to the works mentioned in the tenth and eleventh subsections of the present section; and all contracts, agreements, references to arbitrators, sentences and verdicts rendered for or against them, shall be equally binding upon those whom they represent, wherever the property or interests of such may be concerned;

Parties enabled to convey to the corporation for water works.

4. The Governor in Council may grant or give to the corporation, on such condition as he may deem expedient, beach, lots or ground covered by water, to enable the said corporation more fully to carry this Section into effect;

Governor, &c., may grant beach lots, &c.

5. The said corporation, after having paid or offered or deposited the municipal value of any real estate it may require for the purposes of the present section, may enter upon and take possession of the same in virtue of the present section, but not unless such payment, offer of payment or deposit shall have been made;

Corporation may take possession on certain conditions.

6. Whoever shall not accept the offer made in writing by the said corporation for lands, servitude, right of way, or other thing or dependency thereof, may agree with the corporation to refer the subject in dispute to *experts* or arbitrators; and the award of such *experts* or arbitrators shall be final and binding in all matters, the value of which shall not exceed one hundred dollars, but in all matters, where the award shall exceed this sum, the dissatisfied party may appeal to the Quarter Sessions of the District of Quebec, at the next following sitting thereof, after the rendering and publication of the said award, otherwise the sentence or award shall be final and binding; and the costs shall be paid by the party against whom the *experts* shall award them; if there be any appeal the Court shall refer the question of compensation to a jury, and the costs of appeal shall be paid by the appellant if the verdict of the jury shall confirm the said sentence, and by the respondent if the contrary be the case.

Reference to arbitrators or experts if parties and corporation do not agree.

Appeal.

7. If the corporation and the party who shall not accept the offer of the corporation shall not agree respecting the nomination of the *experts*, the said party shall name one and notify the corporation of the fact, and call upon the corporation to name the second *expert*, and if the said corporation shall not choose him within three days after the date of such demand, or if the *expert* appointed

Nomination of experts by corporation and party.

Third expert
how appointed.

appointed or chosen by the corporation shall refuse to act within three days after his appointment, one of the Judges of the Superior Court for Lower Canada, residing in Quebec, shall, upon the petition of the dissatisfied party, upon proof upon oath of one credible witness that the facts are such as above recited, name an *expert* for the said corporation, and the said two *experts*, before acting shall name a third expert, and if they should not agree upon the choice of such third *expert* the said Judge shall name him, upon the request of the dissatisfied party, and all that is mentioned in the next preceeding subsection with reference to the award of the arbitrators, the right of appeal and costs of appeal, shall also apply to the award of the *expert* named in virtue of the present section.

Deposit of compensation if the title be doubtful.

8. If there shall be any doubt as to whom the compensation for any real estate required by the corporation shall or ought to be paid, or to whom the offer of payment ought to be made, the corporation shall in such case deposit the amount of the said compensation in the hands of the Prothonotary of the said Superior Court, at Quebec, to abide the judgment of the said Court relative to the distribution of the said sum among the parties who shall be entitled thereto; and the said Court shall prescribe the mode of calling in all parties interested, and make such order or decision in relation to the same as in its discretion shall seem just and reasonable;

Provisions to apply to servitudes.

9. The preceding subsections shall apply to the case where the said corporation shall desire to exercise a right of way or servitude, or cause works to be done on any private property; the corporation shall have the power to exercise these rights, or cause such work to be done, after payment, or offer of payment, or deposit of the amount of indemnity that it may deem reasonable in such case, and if the parties interested shall not agree with the said corporation respecting the amount, or the award and choice of the *experts*, the proceedings above mentioned shall be followed according as the case may be;

Power to open the ground on roads, &c.

10. The said corporation shall have power to dig, break up and remove the soil, fences, sewers, drains, pavements, gravelled ways, of any public highways, roads, streets, squares, hills, market places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, tollgates, enclosures, ditches, walls, boundaries, and other passages and places, but making or causing no unnecessary damage, and to enter upon and make use of any private lands, and use the same, and to dig and sink branches, and lay and drive pipes, appurtenances and accessories thereof, and to widen common passages, for the laying and fixing of pipes and all such matters and things as may be necessary thereto, and necessary to convey the water to houses, or other buildings, and also to alter, repair, replace and maintain such pipes, and other materials, and works, and finally make and do any other act, as shall or may be necessary or expedient for the purposes of the present section;

And to lay pipes.

General powers.

11. It shall be lawful for the said corporation to pass pipes along the outside of any house or other building, to furnish water to any other property, and open and unpave common passages, and make trenches to lay pipes and other appurtenances and accessories, and in such case shall indemnify the proprietors for any damage occasioned to, or, sustained by them;

Passing pipes along buildings, passages, &c.

12. Whoever, having the right to do so, shall open or cause to be opened any trench, shall take care to preserve a free and uninterrupted passage through the street or place, while the works are in progress, and shall fill up the trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay; and shall cause the place where the ground shall be opened, or broken up as aforesaid, to be fenced or guarded with lamps, or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of a fine or penalty of twenty dollars, to be recovered before the Recorder's Court, by summary process and upon oath of one credible witness; this fine shall not deprive any person injured by the said excavation of a right to an action of damages against the corporation;

Free passage along roads, &c., to be preserved.

Openings to be lighted and watched.

13. The said water works and the accessories thereof shall be so located and maintained as in nowise to endanger the public health or safety;

Location of works.

14. Whoever, not having any right thereto and without the authority or permission of the Council of the said city, shall take or use, in any manner whatsoever, water from the said water works, shall incur, on conviction for the said offence, before the Recorder's Court of the said city, a fine not exceeding one hundred dollars, and in default of payment of the said fine with costs, shall be imprisoned and kept at hand labor, in the common gaol of the district of Quebec, for a period not exceeding three months, unless the fine, costs of prosecution and of imprisonment, be sooner paid;

Penalty for using water without authority.

15. If any person shall bathe, or wash, or cleanse anything in any of the reservoirs, cisterns, ponds, lakes, basins or fountains from whence the water to supply the said city is obtained or conveyed, or shall throw or put any filth, dead carcass, or other noisome or offensive thing therein, or cause, or permit the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other annoyance or derangement to be done to the said water, such person shall be liable for each offence to a fine not exceeding one hundred dollars of which one-half shall belong to the said corporation, and the other half to the informer, which said fine shall be levied in the manner prescribed by the next preceding subsection; if the said Recorder's Court, before which shall be brought any complaint

Penalty for bathing, &c., in water in reservoirs, &c.

Imprisonment in addition.

for the commission of any of the offences above mentioned, shall deem it expedient, the offender shall be condemned in addition to the fine or fines above mentioned, to an imprisonment not exceeding three months in the common gaol of the District of Quebec;

**Penalty for
impeding the
corporation in
the said works.**

**Damages in
addition.**

**Penalty for
furnishing
water from
water works to
others ; or
wasting it.**

**Supply of water
and payment
for it.**

**Preventing
frauds.**

**Inspecting
houses, &c.,
furnished with
water.**

16. If any person shall prevent the said corporation or any person employed by the said corporation, from repairing or completing any of the works of the said corporation, or from exercising any of the powers and authorities accorded by this section, or shall embarrass or shall interfere with them in the exercise of such rights, or cause any injury to the said water works, apparatus or accessories thereof, or shall embarrass, hinder or prevent the working of the said water works, or the apparatus, or accessories thereto belonging to any portion thereof, or shall cause the same to be damaged by others, such person shall be liable in addition to the punishment prescribed by the present section, to the damages which the said corporation shall or may suffer from any or all of the acts, and the said corporation may recover such damages by complaint or suit before the said Recorder's Court, and the evidence upon oath of any credible witness, with costs.

17. The said corporation shall have the power to make laws or orders prohibiting, upon pain of a fine not exceeding forty dollars, or an imprisonment not exceeding one month, both, any occupant of a house or any other real property, any part thereof, supplied with water from the said water works from furnishing water to others, or from using the water otherwise than for his own use, or for increasing the supply of water agreed for, or from wasting it ;

b. The corporation shall also have the power to make by-laws or orders, to regulate the time, the mode and the quantity of the supply of water from the said water works, to whom it ought to or shall be furnished, the price of the water, the time and mode of payment ; and all and every matter relating to the said water works, which may be necessary or proper to direct, regulate or determine, and to issue to the inhabitants of the said city a regular and constant supply of pure and wholesome water, and to prevent the practising of frauds upon the said corporation with respect to the water to be so supplied ;

18. The said corporation shall have power to appoint more Inspectors empowered to enter, at all reasonable times, into any house or building, and upon lands traversed by the water of the said water works, and to examine the same, the pipes, service pipes, conduits, cisterns, reservoirs, or apparatus placed in such houses, buildings, lands and the dependencies thereof, and such entrances and examinations shall be regulated and determined by the by-laws for this purpose ;

to be hereafter made, by the said corporation, and to which the said inspectors and all other persons residing either permanently or temporarily in the said city shall conform and submit, under such penalties as may or shall be fixed or prescribed by the said by-laws, and the fine in such case shall not exceed forty dollars, and the imprisonment shall not exceed two months in the common gaol in the District of Quebec ; both these penalties may be imposed together, or one or the other only, at the discretion of the Court ;

Penalty for
impeding
inspectors.

19. As soon as the corporation is ready to furnish water to the city or any part of the city, they shall declare it by a resolution of the city council, which resolution shall be published three times in one English and one French newspaper published in the said city, and after such publication all proprietors, tenants and occupants of houses or other immoveable property, within the said city, shall pay to the said corporation an annual rate or assessment not exceeding three cents in the dollar upon the assessed annual value of their houses or other immoveable property ; and on all houses and other immoveable property in the said city to which the corporation is ready to supply the water of the said water works, whether the proprietors, tenants or occupants thereof consent or not to receive the said water, the corporation may levy and collect an additional annual rate or assessment not exceeding seven cents in the dollar upon the assessed annual value of the houses or immoveable property supplied with water, and this over and above any special rate or tax hereinafter provided for ; the said rate or assessment shall be fixed by a by-law of the corporation ;

Notice when
the corporation
is ready to
furnish water.

General water
rate thereafter.

Additional rate
on houses to
which water is
ready to be
supplied.

To be fixed by
by-law.

20. If the assessed annual value of any property, or part of any property, provided with water from the said water works shall be less than forty dollars, the proprietor, tenant or occupant shall pay to the corporation a fixed annual rate or assessment of five dollars as and for the price of the said water ;

Least rate to be
\$5 per annum.

21. The said council, by one or more by-laws to be made as aforesaid, may impose a tax or special taxes on each horse, cow or other animal supplied with water from the said water works ; or

Special rates
for water used
for certain
purposes.

b. On each steam-engine fed by the water of the said water works, and on each other engine worked by the said water ; or

c. On each court house, gaol or other public establishment supplied with the water of the said water works ; or

d. On each theatre in the said city ; or

e. On each hotel, boarding-house, coffee-house, restaurant or other house of public entertainment in the said city to which the water of the said water works is supplied or may be supplied according to law ; or

f. On all breweries, tanneries and other manufactories supplied with water for the purposes of their manufactures ;

Cutting off
water for non-
payment of
rates.

22. In each and every case in which any tax or rate for water heretofore imposed by any by-law, or which may hereafter be imposed by the said council, by virtue of the preceding subsections, shall not have been paid within the thirty days following the day on which such tax or rate shall have become due and payable, the said council may order the stoppage or suspension of the supply of water to any such person, institution, establishment, house or building hereinabove mentioned, by whom the said tax or rate may be due ;

Rate still pay-
able.

23. Notwithstanding the stoppage or suspension of the said supply, the said tax or rate shall continue to be due, in future, in the same manner as if the said supply were continued ;

Cost of cutting
off.

24. The cost of stoppage or suspension of the said supply shall be paid by the person, institution or establishment in arrear aforesaid ;

Arrears from
whom recove-
rable.

25. The arrears due as aforesaid shall be recoverable from each and every person, proprietor, occupant, tenant or administrator of any building to whom such water shall have been supplied as aforesaid ;

Jurisdiction of
Recorder's
Court.

26. The said costs, and each and every sum due to the said water works by virtue of the foregoing provision shall be recovered in the Recorder's Court of the said city, in the manner prescribed by this Act ;

As to buildings
in which the
consumption of
water is greater
than ordinary :
agreement may
be made.

27. The said corporation shall have the right to notify any proprietor, tenant or occupant of the brewery, distillery, manufactory, livery stable, hotel, or any building or property in which any steam-engine shall be used, or any building or property in which it shall be considered that there is, or ought to be, more than an ordinary consumption of water, that the corporation does not intend to furnish him with water from the said water works at the ordinary price, and thereupon the said corporation shall and may cease to furnish water to the said proprietor, tenant or occupant, who shall also cease to be held liable for the payment of the said rate or assessment with regard to such property ; but the said corporation and the said proprietor, tenant or occupant, may enter into an agreement, for any period not exceeding ten years, with respect to the rate or price at which the said water shall or may be furnished to the said property ; and any such agreement, being reduced to writing and signed by both parties, shall be valid and binding ;

Officers of
Council may
enter to see
that the con-

28. The officers appointed by the council shall, at all reasonable times, have the right to enter upon the premises, in respect of which any such agreement has heretofore been made

or

or may hereafter be made, to see that the quantity of water stipulated for by the agreement and no more is furnished to the property, and the said council may, in their discretion, cause tanks calculated to contain such stipulated quantity and no more, to be erected on such property, and cause the same to be filled daily by their officers, and all further supply of water to be cut off from the premises ;

29. The said council is hereby authorized to cause hydrometers to be placed for the purpose of regulating, determining and measuring the quantity of water to be supplied by the said water works, either to every house or building to which the said water is or may be supplied, or to every public institution, court-house, gaol, hotel, house of public entertainment of whatsoever nature, or boarding house ; or to every distillery, factory, manufactory, establishment, or art, trade, commerce or industry of any nature whatsoever, in the exercise of which the water of the water works is or may be used, or to any one of the same ; and the said council may for the purpose adopt any by-law which it may deem necessary ;

Council may cause hydrometers to be used for measuring the water consumed.

30. It may compel each and every proprietor, tenant or occupant of any house or building ; or each and every person, public institution, court-house, gaol, hotel, house of public entertainment of any nature whatsoever, boarding house, brewery, distillery, manufactory, art, trade, commerce or industry whatsoever, as aforesaid, to pay for the fitting up and rent of any hydrometer, such sum as may be determined by such by-law ;

And charge rent for such hydrometer.

31. The said corporation, after notice given during three months in two or more newspapers published in Quebec, and in the *Canada Gazette*, shall have the right to call in the debentures issued for or in respect of the said water works which may be due, and such debentures as shall not be so presented for payment within six months after the first publication of such notice, shall cease to bear interest on and after the expiration of the six months ; the said corporation may, however, renounce to the rights conferred upon it by the present clause in mentioning such renunciation in the debenture ;

Debentures for water works may be called.

32. If any person shall forge, alter or counterfeit any debenture aforesaid, or any stamp, indorsement or writing therein or thereon, or tender in payment or exchange for cash, or put in circulation any such debenture, forged, altered or counterfeited, as aforesaid, knowing that it is so forged, altered or counterfeited, or that any stamp, indorsement or writing upon or on such debenture is forged, altered or counterfeited, with intent to defraud, shall, upon conviction before a court having competent jurisdiction, be condemned, at the discretion of the said court, at hard labor in the Provincial Penitentiary, for a period not less than two years, or in any other prison or house of correction for a period not exceeding two years ;

Punishment for forging debentures, &c.

Proviso.

Application of
revenues from
water works.

33. The revenues of the said water works shall be applied to the payment of the costs of maintenance, and current expenses and the interest of the said water works debentures, and the balance shall form a fund, separate and distinct, to extinguish the capital of the said debentures, after which extinction the revenues of the water works shall form part of the general funds of the city ;

Certain ac-
counts to be
kept by the
corporation as
regards the
water works.

34. The corporation shall keep separate and distinct accounts of the receipts and expenses of the said water works, and shall cause them to be audited by the auditors named in virtue of this Act, and at the same time and as often as the corporation is bound to audit the general accounts of the said corporation ; the corporation shall also publish after the first day of May in each year, in a French newspaper and in an English newspaper in the said city, a statement shewing :

Items of such
accounts.

a. The amount of the revenues and profits of the said water works ;

b. The number of persons supplied with water ;

c. The extent and the value of the movable and immovable property belonging to the corporation for the purposes of the said water works ;

d. The amount of debentures issued and unpaid, and the interest paid during the year or remaining due ;

e. The expenses of collection and management and other contingencies ;

f. The salaries of officers and servants employed for the purpose of the said water works ;

g. The costs of repair, amelioration and alteration of the said water works ;

h. The price paid for any real property bought, and the amount received or to be received for any real property sold, in a word, a statement giving a full and perfect knowledge of the affairs of the said water works ;

Limitation of
suits for things
done under this
Act ; provisions
for protection
of defendant.

35. All actions or suits against any one whomsoever, for anything done under this section, respecting the Water Works shall be instituted within six months after the commission of the act or thing done, or in case of damages, within six months after the damage shall have been done, and the defendant may plead the general issue, offer the present Act in proof, and allege that the act or thing was done under the authority of the present Act, and if this shall appear to be the case, or if the action shall have been brought after the delay fixed by this subsection, judgment

judgment shall be rendered in favor of the defendant, with treble costs against the plaintiff, who shall also be bound to pay them in case where he shall make default, or discontinue the action or suit, and such costs shall be levied in the ordinary way ;

36. And whereas difficulties have arisen as to the correct interpretation of the words " occupied house and store " in the Acts relating to the water works of the said City : it is hereby declared and enacted that the words " occupied house or houses " in the section of this Act, relating to the water works, and in the by-laws of the Council of the said City, have signified, do signify, and shall signify any house occupied as a dwelling or for any other purpose whatever, except as a store ; and the words " store and other similar buildings " in the said Act and By-laws have signified, signify, shall be held to and will signify in the said section of this Act, any building whatever used for the storage and sale by wholesale only of merchandize and effects, notwithstanding any matter, thing or enactment contrary thereto in the said Act, Section or By-laws contained ; but nothing herein contained shall be considered to affect in any manner any judgment or decision rendered or contract entered into prior to the passing of this Act.

Doubts as to the interpretation of certain words removed.

Proviso.

RESPECTING THE FINANCES OF THE CITY.

37. The fiscal year shall commence on the first day of May and shall end on the thirtieth day of April in each calendar year, both days inclusive, and the assessments, rates, taxes and duties imposed and levied each year shall be held and considered as being for that period :

Fiscal year.

2. It shall be the duty of the corporation, or the proper officers or servants thereof, forthwith and as soon as possible after the passing of this Act, to prepare an estimate of the expenditure necessary to be made for interest, sinking fund, and all other requirements of the city up to the first day of May next, and forthwith to impose such rate or rates as may be requisite and necessary in addition to the rate or rates in the assessment Books for 1865 to meet such expenditure, and to collect the same as in and by this Act is directed and provided ;

Estimate of expenditure for interest, sinking fund, &c., to be made, and rate imposed.

3. It shall be the duty of the council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the year then next by providing—

Appropriation to be made to meet such expenditure.

a. For the payment of the interest, and sums required for the sinking fund on all the debt due by the said city ;

b.

b. For the general and ordinary expenses of the city ;

c. For the sums required for contemplated improvements for which no special assessment is required ;

d. For a reserve of not less than five per centum to meet unforeseen expenditure ;

Amount,
limited.

4. Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended ;

Appropriation
not to be ex-
ceeded.

Exception.

5. It shall not be lawful for the said council to expend beyond the amount so appropriated, and the amount of the other sums at their disposal, out of the receipts of the current year, except in cases and under the conditions hereinafter set forth, but the council may, by a vote of two-thirds of their number, at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure ;

New bonds
may be issued
to pay those
falling due.

Proviso.

6. The corporation shall, nevertheless, have power to issue new bonds for the purpose of meeting or paying off an equal amount of bonded indebtedness falling due at any time, subtracting therefrom the proportion of the sinking fund applicable to such maturing bond, but not in any way to increase the amount of their debt ; provided that any new bond so to be issued shall express on the face of it, that it is so issued for the purpose of renewing or meeting the amount of some other bond to be designated on such new bond to be so issued ;

Provision for
urgent cases.

7. In cases of urgent necessity, the said council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said city ;

Excess recover-
able from
councillors, not
from the city.

8. No debt contracted by the said body corporate, beyond the amount of the receipts from the preceding year added to the balance of former receipts, which shall not have been expended, shall be recoverable from the said body corporate, but the same may be recovered from the member or members of the corporation personally, who authorized the incurring of the said debt ;

Liability of
Treasurer.

9. If the City Treasurer or other person pay any such debt out of the funds of the corporation, he shall be personally liable to repay the same into the funds of the corporation ;

10. Any Elector of the said body corporate may take proceedings in the Superior Court sitting at Quebec, to recover the amount for which the Mayor, Members of Council, or Treasurer, or other person referred to in the foregoing subsections shall be liable, and the said Court shall, if the facts be proved, pronounce judgment ordering the amount for which such Mayor, Member of Council, City Treasurer or other person is liable, to be paid over to the proper officer of the said body corporate to form part of the funds thereof, with costs, provided always that such proceedings shall not be taken before such Elector shall have deposited the sum of one hundred dollars with the Prothonotary to meet the costs should he fail in such suit ;

Who may sue the members of the Council on such liability.

Proviso.

11. The mayor and members of the Council who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with subsections three, four and five of this section, shall alone be personally responsible therefor ;

What members only responsible.

12. The mayor and members of Council who shall have sanctioned the expending of any sum of money beyond the amounts appropriated and the amount at their disposal in conformity with the last mentioned subsections of this section, and the officer who shall pay the same shall be guilty of misdemeanor ;

Sanctioning excess to be a misdemeanor.

13. The city treasurer shall alone have the right to make payments in the name of the corporation, but he shall only do so upon a written order of the council, signed by three or more of its members and countersigned by the city clerk, or in virtue of a judgment or order of a court of justice, or in any case in which such payment is formally enjoined by some express provision of law ;

Treasurer only to pay monies.

14. No Justice of the Peace shall have the right to order payments out of the funds of the corporation ;

J. P's. not to order payments.

15. For the purpose of meeting the floating and other debt, in Schedule L to this Act annexed, and for no other purpose whatever, it shall be lawful for the said corporation to issue bonds payable in currency in this Province, in such sums, not less than four hundred dollars each as shall be thought expedient, but so as that the whole amount of such bonds shall not exceed four hundred and fifty thousand dollars ; Such bonds shall be payable in five years after the date thereof, and bear interest at a rate not exceeding seven per cent. per annum ; the holders thereof shall have the same remedy and the like recourse for the recovery of the interest thereon as is in this Act provided with reference to the bonds mentioned in schedule L ;

Bonds for floating debt mentioned in schedule L.

Conditions of.

Remedy for.

Proceeds not to applied to any other purpose, &c.

16. Such bonds or the proceeds of such bonds shall be applicable to no other purpose whatever than to pay off an amount equal to the face thereof of such floating debt; and any person engaged in or authorizing the issuing of such bonds, or applying the same or the proceeds of any part thereof to any other purpose whatever, shall be liable, both civilly and criminally, in the same way and to the like extent as is now provided with reference to the expenditure of money by the Mayor and members of the Council in excess of the appropriations provided for by law, and as is now provided in the present section of this Act; such bonds shall express on the face of them the total amount of the loan and the Act under which and the purpose for which they were issued;

Corporation may call in debentures due.

17. The corporation may demand the presentation of every debenture the capital of which is due, by giving notice in the *Canada Gazette* and in an English and French newspapers published in the city of Quebec, during six months consecutively, after which time the Corporation shall not be obliged to pay the interest which would otherwise become due on such debenture;

Sinking Fund, provisions not affected.

18. Nothing in this Act contained shall affect or be construed to do away with, lessen, or impair the obligation of the corporation and the various officers and servants thereof to provide for and maintain the Sinking Fund, for the payment of its debt as now by law provided, but on the contrary all the provisions of law now existing shall remain in as full force, virtue and effect, and as obligatory as if this Act had never been passed;

Sum to be added yearly to the Sinking Fund by the Treasurers.

19. It shall be the duty of the City Treasurer before the first day of October in each year to take out of the annual revenue of the city, after the payment of interest on all its bonds, before any other appropriation, a sum equal to two per centum on the amount of the consolidated debt at such period; the said sum of two per centum shall be added each year to the sinking fund of the consolidated debt, with the interest of such fund, which fund shall be applied to the purchase of debentures of the Provincial Government, or in stock of chartered banks of this Province, or of corporations of this Province, or in redemption of the existing debentures of the corporation by the purchase thereof, but the power of the corporation to issue other debentures or increase its debt, shall not in any way be increased in consequence of this provision;

Investment thereof.

Penalty for default.

20. If the City Treasurer shall fail or omit to do any of the things prescribed to be done by him in the seven clauses immediately preceding, he shall be liable to a fine of six hundred dollars currency;

Hypothec for water work debentures.

21. Holders of water works debentures have the first mortgage or hypothec upon the said water works and everything connected

connected therewith, for the repayment of the capital and interest of such debentures ; this hypothec does not require to be enregistered ;

22. Nothing in this Act contained shall impair, affect or restrict the rights, privilege or priority of the holder of any debentures already issued either for the construction of the water works any or for any other special or general purpose, in respect of any priority, privilege or security they may at present hold or which is given to them by the several Acts under which such debentures may have been issued, but on the contrary, the holders of all such debentures shall continue to hold, possess and exercise all the privileges, rights and priorities which they were possessed of or which they might have exercised without this Act had been passed, and the special facilities and powers herein conferred on the creditors are and shall be held to be cumulative, and in addition to any right which they might now exercise, either in respect of the revenues of the water works or otherwise ;

Act not to affect order of priority of holders of debentures.

23. The City Treasurer shall not receive any debentures of which the payment is due, or any coupons for interest due on such debentures in payment of any amount due to the city, for any object or purposes whatsoever, excepting as in the next subsection provided ;

For what payments only coupons may be received.

24. But the City Treasurer may receive water works debentures of which the payment is due, or coupons for interest due on the debentures, in payment of amounts due to the city as aforesaid, and the holder of these debentures in making such payment, shall inscribe his name upon the said debentures, and indicate the day, month and year in which such payment took place, and credit shall be given to the said Treasurer in his account with the corporation, for the interest so paid by him upon the said debentures, up to the day so indicated ;

The said purposes defined.

25. And whereas the Treasurer of the city did, in the month of July last, give notice that a special rate of seven pence half-penny (twelve and a half cents) in the pound was requisite to provide for the interest then about to fall due on the Bonds and Debentures of the Corporation, and doubts exist respecting the legality of such special rate, and it is expedient that all doubts in that respect should be removed : It is enacted and declared that the special rate of seven pence half-penny in the pound, notice of the imposition of which was given by the Treasurer of the City of Quebec on the fourth day of July last, is hereby declared to be legal and valid, and that all proceedings heretofore taken for the collection of the said rate by the Treasurer of the city, are hereby declared to be legal and valid, and payment of the said special rate may be enforced by the said Treasurer in the same manner as the payment of all other rates and assessments, may be enforced under the provisions of this Act ;

Special rate imposed in July last confirmed.

Quebec Bank on receiving debentures under this Act to deliver up certain others to be cancelled.

26. So soon as the Quebec Bank shall have received from the Corporation, Debentures issued under the present section of this Act for the full amount which is due and owing by the Corporation to the said Bank, the said Bank shall be bound immediately to deliver up to the Corporation the Debentures now held by the said Bank as security for the said debt, as well as any other securities it claims to hold, and it shall be the duty of the Corporation, on receiving such debentures back, to cause them to be cancelled by the City Treasurer in the presence of the Mayor and two or more members of the Council, and a minute of such cancellation shall be prepared and signed by the Mayor and the members present thereat and deposited in the archives of the Council.

PENAL CLAUSES.

Fines and penalties under this Act, how recoverable.

38. All fines and penalties imposed by this Act, or by the provisions of the by-laws, rules or orders of the City Council, which are now or may hereafter be in force in the said city, or by any other provisions or other by-laws and rules which now are or may hereafter be in force in the said city, shall be recovered before the said Recorder's Court with costs, by payment of the said fine or penalty and costs, either immediately or within such delay as shall be granted by the said Court, and in default of immediate payment (within the said delay,) of the said fine or penalty and costs, the party against whom the said judgment shall have been rendered, shall be imprisoned in the common gaol of the district of Quebec, at hard labor, in the discretion of the said court, for a period not exceeding two months, unless such fine and penalty with costs of commitment be sooner paid; anything in the said by-laws, rules or orders, to the contrary notwithstanding, or unless specially otherwise provided for by this Act:

Imprisonment in default of payment.

If the offender be a corporation, society, &c.

2. But in all cases in which a fine has been incurred by a corporation, association or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters;

Liability of joint owners, &c., in certain cases.

3. Any one or more joint owners or occupiers of any lot, house or premises, or other real property in the said city, complained of for violation of any by-law of the said council, now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever against the provisions of any by-law of the said council, may be sued alone or conjointly in the said Recorder's Court, as may be deemed advisable, as also the agent or agents of the

said joint owners or occupiers, or any one of them ; and in the suit to be instituted, it shall be sufficient to mention in the name of one of the owners, occupiers or agents, with the addition of the words " and others," and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency shall be deemed sufficient ; any law, usage or custom, to the contrary notwithstanding ;

4. And the said corporation, or any municipal elector may institute any proceedings for that purpose in the name of *The Corporation of the City of Quebec*, as provided in the next subsection ; Who may bring the suit.

5. All actions instituted by the corporation in virtue of the present Act or any other Act relating to the said City of Quebec, or of any by-law, rule, order or regulation in force in the said city, shall, when the fine and penalty belongs to the corporation, be brought in the Recorder's Court of the City of Quebec and not elsewhere, in the name of *The Corporation of the City of Quebec* ; Suits to be in the name of the City.

6. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any statute, now or hereafter to be in force, shall belong to and form part of the general fund of the said city ; any law to the contrary notwithstanding ; Application of proceeds.

7. To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine ; Council only may remit fines.

8. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the said council, for that purpose, by the persons asking for such remission, and not otherwise ; In what manner.

9. The Mayor or any member of the said council who shall infringe the provisions of the two next preceding subsections, or any officer of the said council who shall receive any sum due to the said council, without the costs which shall have been incurred at the time of the payment of the said sum, shall incur a fine not exceeding twenty dollars for each offence, which shall be sued for and recovered before the said Recorder's Court, as hereinabove set forth ; Penalty for infringing the last two clauses.

10. Any remission of any fine, or of any sums or costs, in violation of the provisions of this section, shall be considered as null and of no effect, to all intents and purposes whatsoever ; Any other remission to be void.

11. Whenever in the present or any other Act relative to the said city, or in any by-law, rule or order as aforesaid, imprisonment Imprisonment—where.

imprisonment is imposed, such imprisonment shall be understood to be in the common gaol of the district of Quebec ;

False swearing;
perjury.

12. Any person who shall wilfully swear falsely with respect to any oath prescribed by this Act, shall be guilty of perjury, and shall be liable to the pains and penalties of wilful and corrupt perjury ;

Jurisdiction of
Recorder and
his court in cer-
tain matters.

13. The Recorder's Court and the Recorder of the said city, with respect to all civil matters and proceedings within the jurisdiction of the said court, both as regards actions *en garantie*, incidental demands or demands in intervention, and also as regards opposition to executors issued out of the said court, and other matters and things relating to any civil action, instance or proceeding within the jurisdiction of the said court, or in cases of *rebellion à justice*, or of removal of his property and effects by any defendant, or in relation to the power of taking any affidavit in any civil cause, instance or proceeding now pending, or hereafter to be brought in the said court, shall have, within the limits of the jurisdiction of the said court, all and every the powers enjoyed in such cases by the ordinary courts of civil jurisdiction in Lower Canada and by the judges thereof ;

By-laws pre-
sumed to have
been properly
passed, &c.

14. In any action, proceeding or complaint by the said corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that any by-law has been transmitted to the Governor, but the observance of the said formalities, and the said transmission shall be presumed until proof to the contrary be shewn.

INTERPRETATION—ACTS REPEALED, &c.—EXISTING RIGHTS
SAVED.

Trinity House.

39. This Act shall not in any manner affect the powers and authority of the Trinity House of Quebec, but the said Council shall exercise exclusive jurisdiction over the whole limits mentioned in the third section of the present Act :

The Queen:

2. This Act shall not affect in any manner the rights of Her Majesty, Her Heirs and Successors ;

Interpretation.

3. Whenever the following words occur in this Act they shall be understood as meaning as follow :

Governor.

4. The word " Governor " shall mean the Governor General of the province of Canada, or the person administering the government thereof ;

Council, City
Council.

5. The words " Council," " City Council," shall mean the council of the corporation of the City of Quebec, unless the context necessarily or plainly indicates a different meaning ;

6. The words "Mayor," "Alderman," "Aldermen," "Coun- Mayor, &c.
cillor," "Councillors," "Members of the Council," "Treasurer," "City Treasurer," "Clerk," "City Clerk," shall mean that the same are respectively the Mayor, Aldermen, Councillors, Members of the Council and the Treasurer and Clerk of the Corporation of the City of Quebec;

7. The words "Corporation," "said Corporation," shall Corporation
mean the Corporation of the said City of Quebec;

8. The words "Recorder's Court," shall mean the Recorder's Recorder's
Court of the City of Quebec; and the words "Recorder," Court.
"said Recorder," shall mean the Recorder of the City of Quebec;

9. The word "Act," shall also mean and comprehend the Act.
word Ordinance;

10. The words "City," or "said City," mean the Corpora- City.
tion of the City of Quebec, in conformity with the provisions of this Act;

11. All words employed in the singular number, or in the Singular num-
masculine gender only, shall mean one or more matters and ber.
things of the same kind, and one or more persons, men and Gender.
women; and bodies corporate, as well as private individuals, unless the contrary shall be specially stated, or that the context plainly or necessarily conveys a different meaning; and the word "shall," shall be considered imperative, and the words "shall not," shall be prohibitory, and the word "may," shall be permissive; "Shall" and
"may."

12. The following Acts and Ordinances are hereby repealed, Acts repealed.
to wit: The fourth Victoria, chapter thirty-one; fourth Victoria, 4 V. c. 31.
chapter thirty-five; eighth Victoria, chapter sixty; ninth Vic- 4 V. c. 35.
toria, chapter twenty-two; tenth Victoria, chapter one hundred 8 V. c. 60.
and thirteen; thirteenth and fourteenth Victoria, chapter one 9 V. c. 22.
hundred and thirty-one; fourteenth and fifteenth Victoria, 10 V. c. 113.
chapter one hundred and thirty; sixteenth Victoria, chapters 13, 14 V. c. 131.
one hundred and twenty-nine and two hundred and thirty-two; 14, 15 V. c. 130.
eighteenth Victoria, chapters thirty, thirty-one and one hundred 16 V. cc. 129,
and fifty-nine; nineteenth Victoria, chapter sixty-nine; twen- 232.
tieth Victoria, chapter one hundred and twenty-three; twenty- 18 V. cc. 30, 31,
second Victoria, (1858), chapter thirty; twenty-second Victoria, 159.
(1859), chapters thirty and sixty-three; twenty-third Victoria, 19 V. c. 69.
chapter sixty-eight; and twenty-fifth Victoria, chapter forty-five; 20 V. c. 123.
22 V. c. 30, 63,
23 V. c. 68.
25 N. c. 45.

13. The repeal of the Acts and Ordinances mentioned and Saving clause
recited in the next preceding subsection shall not be understood as regards effect
as affecting any matter or thing done, or required to be done, of such repeal.
debentures, promissory notes, or obligations issued, or by-laws, and
rules or regulations made under and by virtue of the said Acts
and

and Ordinances, but the said matters and things, debentures, promissory notes, obligations, By-laws, rules, regulations and orders, and the obligations of the Corporation, and every officer and servant in respect of the same, and the sinking fund to be provided, shall continue to be regulated by the said Acts and Ordinances in the preceding clause, until they shall be changed, altered, replaced or repealed, by any proceeding adopted in virtue of the present Act, in which case all such matters and things, debentures, promissory notes, obligations, rules, by-laws, regulations and orders, as the case may be, shall be regulated and controlled by the present Act;

Certain debentures, notes, &c., By-laws, &c., to remain in force.

14. Any matter or thing done, debentures, promissory notes and obligations issued, and all by-laws, rules or orders, now in force in the City of Quebec, and made in conformity with the Acts incorporating or relating to the incorporation of the said city, shall continue, and do continue in full force and effect, to all intents and purposes, the same as if the present Act had never been passed, until they shall be legally altered, amended, replaced or repealed, as the case may be, in virtue of the present Act;

Corporation continued uninterruptedly.

15. Nothing in this Act contained shall be construed to dissolve the corporation composed of the inhabitants of the City of Quebec as heretofore existing under different names; but the same shall be held and deemed to continue to exist by the name given to it in this Act, and subject to the provisions of this Act, being one and the same corporation with the corporation of the City of Quebec;

Acts repealed by repealed acts, to remain repealed.

16. All Acts and parts of Acts repealed by the Acts and Ordinances hereby repealed, and recited in the twelfth subsection of this section of this Act, shall be and remain repealed; and all Acts and parts of Acts and Ordinances inconsistent with the provisions of this Act shall be, and are hereby repealed.

Public Act.

40. This Act shall be deemed a Public Act.

SCHEDULE A.

I.

Oath of allegiance to be taken by the Mayor, Alderman and City Councillors :—

I, A, B., sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, (or reigning Sovereign) lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as a dependency of the United Kingdom, and attached thereto, that I will defend

defend Her to the last of my power against all conspiracies and treasons or designs whatever, that may be made against Her person, Her Crown and dignity, and that I shall use my utmost endeavors to disclose and make known to Her Majesty, Her Heirs and Successors, all conspiracies, treason or traitorous designs that I shall know to exist against Her, or any of them; All this I swear without equivocation, restriction or mental reservation whatever, and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary. So help me, God.

I, A. B., having been elected Mayor, (*Alderman or City Councillor, as the case may be,*) for the City of Quebec, solemnly and sincerely promise and swear that I will faithfully fulfil the duties of the said office according to the best of my judgment and ability, and that I am seized and possessed for my own use, of real estate, in the said City of Quebec, after the payment or deduction of my just debts, of the value of five hundred pounds currency, and that I have not fraudulently or collusively obtained the same, or a title to the same, to qualify me to be elected Mayor, (*Alderman or Councillor, as the case may be.*) So help me, God.

II.

Oath to be taken by voters :—

I swear that my name is (*here insert or give the name*) and that I am the person named in the copy of the voters' list of electors for Mayor and Alderman (*or Councillor, as the case may be*) for (*here name the ward*) Ward of the City of Quebec, for the municipal elections, which is now shewn me; that I am duly qualified, and that I have not voted at this election in this ward, and that I have not received, either directly or indirectly, any money, note, or promise, nor obtained any place or employment, and that my taxes, assessments, or rates have not been paid, in whole or in part, by any person, to induce me to vote for any candidate at this election, and that I am twenty-one years of age. So help me, God.

SCHEDULE B.

Oath to be taken by Poll-Clerk :—

I, A. B., swear that I will faithfully, punctually and impartially, to the best of my ability, fulfil the duties of Poll-Clerk, at the election of an Alderman or Councillor, (*as the case may be, for (—), of this city, (or of a Mayor of the said city as the case may be,)* which election shall commence and be held on the (*name the day*). So help me, God.

SCHEDULE C.

Oath to be taken by the Presiding Officer :—

I, the undersigned A. B., a member of the council, named by the city council of the City of Quebec, to preside at the voting in (*name the ward*) of the City of Quebec, swear that the present Poll-Book has been faithfully and accurately kept as required by law. Signed at Quebec this (*here name the date*.)

SCHEDULE D.

I.

Oath of allegiance by the Assessors :—

(This oath the same as Schedule A.)

II.

Qualification oath by Assessor :—

I, A. B., having been appointed Assessor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of the said office to the best of my skill and ability, and that I am seized and possessed, for my own use, real and personal, or both, in the City of Quebec, after payment or deduction of my just debts, of the value of two hundred and fifty pounds currency; and that I have not obtained the same either fraudulently or collusively in order to qualify myself to be appointed Assessor. So help me, God.

SCHEDULE E.

I.

Oath of allegiance by the Auditor :—

(Same as Schedule A.)

II.

Qualification oath by Auditors :—

I, A. B., having been named Auditor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of that office, to the best of my skill and ability. So help me, God.

SCHEDULE F.

I.

Oath of allegiance by Policemen :—

[Same as oath in Schedule A.]

II.

Oath of office by each member of the Police Force :—

I, A. B., of the City of Quebec, having been appointed a member of the Police force of the said City, sincerely and solemnly swear, that I will faithfully discharge my duties as a member of the Police Force, to the best of my skill and ability. So help me, God.

FORM G.

Public notice is hereby given that the Assessment Roll of the City of Quebec, for the _____ ward of the said City, (or the supplementary roll of Assessment for the ward of the city) is completed and is now deposited in the office of the undersigned,

All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned at his said office, within ten days from this day, without further notice.

Sheriff or City Treasurer.

Quebec, (date).

FORM H.

CORPORATION OF QUEBEC.

Mr.

COPY OF ACCOUNT.

Notice Served, \$

(Date of Notice.)

Costs,

Notice,

CORPORATION OF QUEBEC.

Mr.

To the Corporation of the City of
Quebec,To Assessments, &c., or Water
Rates, &c.

(Here State Account.)

Sir,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof, as below, in default whereof, execution will issue against your Goods and Chattels.

Quebec, date.)

Costs, (Signature.)

Notice,

City Treasurer,
(or Sheriff.)

FORM II.

Public notice is hereby given that on next, the
day of instant (or next), the goods and chattels
of the parties hereinafter named and designated now under
seizure for non-payment of assessments (or other dues, as the
case

case may be) will be sold by public auction at the hour and places hereinafter mentioned, to wit :—

Names.	Amount.	Place of Sale. No. Street.	Hour of Sale.

Quebec (date).

(Signature)

Sheriff.

FORM J.

Province of Canada, }
City and } In the Recorder's Court of the City
District of Quebec. } of Quebec.

The Recorder of the City of Quebec

Debt	\$	
Costs		
Warrant	\$	

To any Bailiff of the Recorder's Court of the City of Quebec, in the said City and District of Quebec.

Whereas, A. B., (*name and designation of debtor*), hath been required by the Treasurer of the said City of Quebec, to pay into his hands for and on behalf of the said city, the sum of being the amount due by him to the said city, as appears by the collection-roll of the said city for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said Treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do on such day as shall be indicated to you by the said Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such

such sale unto the Treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk of the said Recorder's Court, at Quebec aforesaid, this day of } in the year of Our Lord }	T. X., Clerk, of the Recorder's Court.
--	--

FORM K.

" I having been appointed Commissioner under
" the thirty-fifth section of the (*cite the Act*) do swear that I will
" faithfully, impartially, honestly, and diligently execute all
" the duties of the said office according to the best of my judg-
" ment and ability. So held me God."

SCHEDULE L.

STATEMENT of Amount due by the Corporation of the City of Quebec, 31st August, 1865, as floating debt, for which the issue of Bonds is authorized.

To Amount of Debentures authorized by Acts of Parliament to be issued :			
16 Victoria, Chap. 232.....	\$ 600000 00		
18 do do 31.....	200000 00		
22 do do 59.....	300000 00		
	\$1100000 00		
Amount issued according to Corporation Debenture Book, \$1154696 66.			
Over issue		\$ 54696 66	
Bills payable as per Bill Book	39920 05		
Capital of Ground Rent payable annually.....	11023 60		
Amount due Quebec Bank as per account.....	226431 00		
Amount of interest to the Municipal Loan Fund, 18 months, to 1st July last	6090 00		
Amount of Judgment rendered against Corporation for arrears of Jail and Jury Fund	4000 00		
Amount of interest due to Bondholders in Canada, 1st July last.	14563 00		
		302027 65	
WATER WORKS DEPARTMENT.			
To Amount of Water Works Bonds over issued as per Schedule.....		\$356724 81	
Amount of Bills payable as per Bill Book		16880 00	
To meet deficit for current year up to 1st January, 1866.....		9305 24	
		67090 84	
		\$450000 00	

E. & O. E.

Quebec, 31st August, 1865.

L. E. DORION,

Book-keeper.

STATEMENT of City and Water Works Debentures due 31st August, 1865.

CITY DEBENTURES DUE IN QUEBEC.

Numbers.	Date.	When due.	Amount.	Total.
			\$ cts.	\$ cts.
1.....	1st Jan., 1849.	1st Jan., 1852	.....	400 00
1580, 1711.....	1st Jan., 1864.	" 1865.	.....	10000 00
620, 621, 622, 623, 617, 618, 619, 620, 624, 1516, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529.....		1st Jan., 1866.	.....	24500 00
605, 636, 637, 638, 639, 711, 771, 772, 1536, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1552, 1553, 1554, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1565, 1570, 1571, 1572, 1578, 1610, 1611.....		1st Jan., 1867.	.....	72140 00
974, 975, 976, 977, 978, 979, 980, 981, 1007, 1006, 1674.....	1874.....	1st Jan., 1868. 1st July, 1868.	16000 00 2000 00	18000 00 1300 00 3800 00
1463, 1055.....		1st Jan., 1869.	.....	1300 00
607, 614, 1511.....		" 1870.	.....	3800 00
625, 626, 627, 628, 629, 1600, 1601, 1602, 1602, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1603, 1604, 1605, 1606, 1607, 1608, 1613, 1614.....		1st Jan., 1872.	.....	54100 00
209, 210, 211, 212, 213, 214, 215, 220, 1616, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686.....		1st Jan., 1873.	.....	132300 00
1680, 1681, 591, 592, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1701, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1712, 1713.....		1st Jan., 1874.	.....	70800 00
593, 615, 616, 1715, 1716, 1717, 1718, 1757.....		1st Jan., 1875.	.....	62800 00
1010, 1011, 1012, 1013, 1014.....		1st Jan., 1878.	.....	2000 00
1703, 1704, 1705, 1706, 1707, 1708, 1719, 1720, 1721, 1729, 1730.....		1st Jan., 1879.	.....	16600 00
Carried over.....				4468740 00

STATEMENT of City and Water Works Debentures.—Continued.

CITY DEBENTURES DUE IN ENGLAND.

				Brought over.....	
16 Vic., c. 232	Nos. 254 to 268	18th June, 1853	1st Nov., 1873	£ 15000 0 0	\$468740 00
	" 340 " 580	15th Sep., 1853	" "	25000 0 0	
18 Vic., c. 31	" 640 " 649	2d March, 1857	" 1876	5000 0 0	
16 "	" 650 " 659	" "	" "	5000 0 0	
18 "	" 660 " 684	" "	" "	2500 0 0	
16 "	" 685 " 709	" "	" "	2500 0 0	
16 "	" 711 " 719	13th April, 1857	" "	5000 0 0	
18 "	" 720 " 770	" "	" "	5000 0 0	
16 "	" 773 " 797	23rd May, 1857	" "	12500 0 0	
16 "	" 798 " 922	" "	" "	12500 0 0	
18 "	" 923 " 947	1st June, 1858	" 1877	2500 0 0	
18 "	" 948 " 952	" "	" "	2500 0 0	
18 "	" 953 " 964	22nd July, 1858	" "	1000 0 0	
18 "	" 955 " 958	23rd Oct., 1858	" 1878	2000 0 0	
22 Vic., c. 69	" 1060 " 1166	13th May, 1859	1st May, 1879	10700 0 0	
22 "	" 1225 " 1289	" "	" "	16250 0 0	
22 "	" 1311 " 1342	" "	" "	16000 0 0	
Sterling...£				140950 0 0	685956 66
Exchange at 9½ is, Prov. currency					\$1154696 66

WATER WORKS DEBENTURES DUE IN QUEBEC.

				\$ cts.
967, 968, 969, 970, 971, 972,	8th & 11th Nov.,			
973, 974	1861	1st Nov., 1867		16800 00
975, 976, 977, 978, 850	17th Dec., 1855	" 1865		1600 00
1, 2, 3, 4, 9, 11, 13, 16, 20, 21,				
22, 23, 24, 25, 26, 27, 28,		" 1870		46800 00
29, 453		" 1871		6000 00
979, 980, 981, 982, 983, 984		" 1872		6000 00
987, 988, 989				
562, 563, 564, 565, 566, 567,		" 1873		14953 33
990, 991, 992, 993, 994		1st May, 1875		3000 00
568, 569		1st Nov., 1877		8000 00
985, 986				
				\$108153 33

WATER WORKS DEBENTURES DUE IN ENGLAND.

38, 39, 40.....	28th Nov., 1851	1st Nov., 1870	£ 4100 0 0	
49 to 456.....	3rd Feb., 1852	" "	82200 0 0	
457 to 561.....	16th June, 1858	" 1873	40000 0 0	
570 to 709.....	28th May, 1855	" 1875	30000 0 0	
710 to 849.....	17th Aug., 1855	" "	30000 0 0	
851 to 950.....	1st July, 1856	1st May, 1876	22000 0 0	
			£ 208300 0 0	
	Exchange at 9½ is, Provincial Currency.....			\$1013726 67
				\$1116880 00

E. & O. E.

AUG. GAUTHIER,
City Treasurer.

Quebec, 31st August, 1865.

L. E. DORION,
Book-keeper.

DR. The Quebec Bank in account with the Quebec Corporation. CR.

To amount of deposit. Special Fund, Debent. acct.	\$46190 22	By amount overdrawn, Corporation General Fund...	\$248968 64
Interest from 1st June to 30th September, at 4 per cent.....	617 56	" Interest Reserve Fund...	17945 49
Balance.....	226431 05	" 122 days interest on Gen. Fund overdrawal.....	5752 94
		" 71 days interest on Interest Reserve Fund \$29092	396 15
		" 51 " " 17945	175 61
	\$273238 83		\$273238 83
		Balance.....	\$226431 05

* Memorandum of Interest.

12 days on.....	\$236526 17
17 "	241863 35
1 "	245100 73
13 "	245100 73
18 "	247100 73
10 "	247100 73
21 "	248968 64
30 "	248968 64—\$5752 94

E. & O. E.

WILLIAM RHIND,
Accountant, Quebec Bank.

4th September, 1865.

L. E. DORION,
Corp. Book-keeper.

CAP. LVIII.

An Act to explain certain enactments of the Acts of incorporation of the City of Montreal, and for other purposes.

[Assented to 18th September, 1865.]

WHEREAS doubts have arisen as to the true intent and meaning of the requirements of the forty-ninth section of the Act of incorporation of the City of Montreal, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, as to the validity of the proceedings adopted by the Council of the City of Montreal, at the special meetings thereof from the time of its incorporation to the present day: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts and declares as follows :

Preamble.

14, 15 V. c. 128.

1. All special meetings convened by the order of the Mayor or alderman in pursuance of the power granted in the said forty-ninth section, may be so called and convened by the order of the Mayor or alderman, by verbal or written intimation or notice to the city clerk, who thereupon shall issue the summons to the members of the said Council in the manner prescribed by the said forty-ninth section :

How special meetings of the City Council shall be called.

2. All special meetings of the said Council called upon a requisition signed by five or more members of the said Council, in case of absence of the Mayor of the said city, or of his sickness, or his refusal to call the same, shall be deemed and considered a sufficient notice to authorize the city clerk to issue the summons to the members of the Council in the manner prescribed by the said section ;

Special meetings on requisition of members.

3. All special meetings of the said Council heretofore called and convened by the Mayor or by an alderman, or by a requisition signed by five or more members of the said Council without any special notice signed by them or any of them to the said city clerk, requiring him to issue his summons in the form prescribed in the said forty-ninth section, shall be held and taken to have been so called and convened legally and in accordance with the requirements of the said forty-ninth section ; Provided always, that nothing herein contained shall affect or prejudice the claims of any person or persons concerned in any proceeding, suit or instance now pending in the Superior Court of the District of Montreal, wherein the validity of certain proceedings of the said Council of the City of Montreal is called in question ;

Special meetings heretofore called as above provided declared to have been legally called.

Proviso: as to pending cases.

2. And whereas it is enacted in and by the thirty-third section of the Act passed in the twenty-seventh and twenty-eighth

Recital.
27, 28 V. c. 60
s. 33.

eighth years of Her Majesty's Reign, chaptered sixty, "that any proprietor in the second, third and fourth sections of Notre-Dame street aforesaid, whose property, or any portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirmation and homologation of the report of the said commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report, by an acceptance of the terms or price set upon his property in the said report;" but no provision is made to enable the Corporation of the said city to provide the necessary funds to meet the payment of the amount awarded in such cases, it is therefore enacted, that whenever any proprietor in the second, third or fourth sections of Notre Dame street, may desire to avail himself of the privilege conferred upon him by the said thirty-third section, by anticipating the time fixed for carrying out the widening of the said street in front of his property, such proprietor shall be bound to give a written notice of such his intention to the said corporation; and it shall be the duty of the said corporation to deposit, in the hands of the prothonotary of the Superior Court, within fifteen days from and after the said notice, the amount of the price and compensation which shall have been set upon the said property by the Commissioners.

Case of proprietor desiring to anticipate time fixed for widening the street provided for.

Proceedings in cases of sales of liquor without license, simplified.

3. And whereas it is expedient to simplify the procedure before the Recorder's Court in prosecutions instituted against parties selling spirituous, vinous or fermented liquors without license: it is hereby enacted that the said prosecutions before the said Court may henceforth be instituted either by a writ of summons or by warrant, as provided in and by chapter one hundred and three of the Consolidated Statutes of Canada, in relation to summary convictions before Justices of the Peace.

Oral evidence may be given in such cases, and not reduced to writing.

4. For and notwithstanding anything contained in the forty-seventh section of chapter six of the Consolidated Statutes for Lower Canada, it shall not be necessary, hereafter, to reduce the depositions of the witnesses in the said prosecutions before the said Recorder's Court, to writing, and to file the same of record in the cause, but the proof shall be made orally, as in cases of summary convictions.

Enforcement of penalty under sect. 3.

5. In default of the immediate payment of the penalty referred to in the third section of this Act, and such costs as are awarded to the prosecutor, the defendant shall be imprisoned under the warrant of the Recorder of the said City, for a period of not less than two months and not exceeding six months; but the defendant may, at any time, obtain his liberation from such imprisonment, by making full payment of the said penalty, and all costs, whether incurred upon or after conviction.

6. And whereas delays and obstructions have occurred in dealing with cases and suits cognizable by the Recorder's Court of the said city, by reason of doubts which were raised as to the power of the Clerk of the said Recorder's Court to conduct the said cases and suits, it is hereby declared and enacted as follows :

The said clerk of the Recorder's Court is authorized and vested with all the necessary powers, and it is his duty to conduct, in behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are, or shall be, the Corporation of the said City of Montreal, all cases and suits cognizable by and within the jurisdiction of the said Court.

Clerk of Recorder's Court to conduct cases for the City.

7. For the purpose of completing the drainage of the said city, and for that purpose only, it shall be lawful for the said corporation to borrow, over and above the amount of the loan which the said corporation is authorized to raise in and by the provisions of the thirty-fifth section of the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter sixty, such sum or sums of money, not exceeding seventy-five thousand dollars, as the said corporation may find it necessary or expedient to borrow, for the extension and completion of the drainage of the said city.

Additional loan for drainage authorized.

8. For the purpose of establishing and erecting a Drill Shed and Armory in the said city, and acquiring the necessary site therefor, and for these purposes only, it shall be lawful for the said corporation to effect a special loan not exceeding seventy-five thousand dollars to be designated *The Drill Shed Loan*.

Loan for Drill Shed and Armory.

9. The said corporation is hereby authorized to borrow a sum not exceeding two hundred thousand dollars for the purpose of providing an additional rising main water pipe and further to extend the Water Works of the said city and for no other purpose.

Loan for water works.

10. It shall be lawful for the corporation of the said city to issue, under the hand of the Mayor and the seal of the said corporation, debentures or corporation bonds to the amount of the respective sums which the said Corporation is empowered to borrow, in and by the three next preceding sections, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum, and all such debentures may be issued from time to time, at such periods and for such amounts as shall be deemed expedient, and they may have coupons annexed to them for the half-yearly interest payable on them, which coupons, being signed by the Mayor or Treasurer of the said corporation, shall be respectively payable to the bearer thereof when the half-yearly interest therein mentioned becomes due, and shall on payment thereof, be delivered up

Issue of Debentures authorized : form, interest, &c.

up to the said corporation; and the possession of any such coupons by the corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debentures or bonds; and as well the interest as the principal thereof are and shall be secured to the general funds of the said corporation.

Loans may be effected in or out of the Province, &c.

11. The amount which the said corporation is empowered to borrow by the next preceding sections, may be borrowed either in this Province or elsewhere; and the principal sum and the interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money or the currency of this Province, or in that of the place where the same shall be payable.

Sinking Fund, and Treasurer's duty with respect to it.

12. It shall be the duty of the treasurer of the said city, before the quarterly meeting of the council of the said city, in the month of September, in the year one thousand eight hundred and sixty-six, and in each year thereafter, to take from and out of the annual revenues and funds of the corporation of the said city (from whatever source arising), and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent. on the debt or debts created under the authority of this Act, and under the authority of the first section of the Act passed in the twenty-fifth year of Her Majesty's Reign, chapter forty-four, and of the thirty-fourth and thirty-fifth sections of the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter sixty; which said sum of money the said city treasurer shall keep apart of all other monies, to be invested and applied, under the orders of the said council, solely and exclusively as a sinking fund, towards the extinction of the said debt or debts, in the same manner and under the same formalities as prescribed in and by the sixth section of the Act passed in the sixteenth year of Her Majesty's Reign, chapter twenty-six, and generally all the provisions contained in the said sixth section of the said last cited Act, shall apply to the sinking fund established under the authority of this Act, except only in so far as they are inconsistent with this Act.

Investment and application of such Fund.

Public Act.

13. This Act shall be deemed a Public Act.

C A P . L I X .

An Act to amend An Act to provide for the appointment of a Port Warden for the Harbour of Montreal.

[Assented to 18th September, 1865.]

Preamble.
26 V. c. 52.

WHEREAS the Act twenty-sixth Victoria, chapter fifty-two, intituled: *An Act to provide for the appointment of a Port Warden for the Harbour of Montreal*, has been productive of great benefit to the grain trade of Canada, and it is necessary

necessary to alter the same and otherwise amend the said recited Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. In addition to the fees authorized to be taken by the said Additional fees. recited Act for services performed by the Port Warden or his deputies, the following fees and charges shall be paid by the shippers of the following articles from the Port of Montreal, in seagoing vessels, that is to say :

On all grain shipped from the said Port, a fee not exceeding On grain. twenty-five cents for every one thousand bushels, with a proportionate charge for every fractional quantity thereof ;

On all flour shipped from the said Port, a fee not exceeding one On flour. dollar, for every one thousand barrels, with a proportionate charge for every fractional quantity thereof ;

On all ashes shipped from the said Port, a fee not exceeding On ashes. two cents per barrel ;

On all other articles not hereinbefore enumerated and shipped On other articles. from the said Port, a fee not exceeding ten cents per ton weight or ton measurement, and the same fee on all quantities or parcels of such other articles exceeding in the whole shipment half a ton, though not amounting to one ton weight or measurement ; but no fee to be charged in respect of such other articles Proviso. for any shipment not amounting to half a ton, or for any fractional parts of a ton in any shipment exceeding one or more tons.

2. The Council of the Board of Trade for the City of Montreal may, from time to time, establish a Tariff of fees for the services of the Port Warden, in respect of the matters comprised in the first section of this Act, in the same manner as provided by the said recited Act, for the charges thereby authorized, but such Tariff shall not exceed the limits imposed by the first section of this Act ; and such Tariff, being first approved by the Governor in Council, shall be in force until repealed or altered by the said Council of the Board of Trade, as it may be at any time with the approval of the Governor in Council ; and such maximum rates may be altered and apportioned, and the particular service distinguished, and the fee thereof assigned, as the Council of the Board of Trade may, from time, appoint, and in the same manner as the rates imposed by the said recited Act, and so as that the fourth subsection of the twenty-seventh section of the said recited Act shall read and be construed as if it had reference to the rates hereby imposed, as well as to the rates imposed by such Act, and subject to the approval of and with the same powers in the Governor in Council as in such fourth subsection provided.

Council of Board of Trade to make Tariff of maximum rates.

Tariff to be subject to approval of Governor in Council.

Rates may be altered and apportioned under 26 V. c. 52.

Port Warden to
keep account of
fees.

As to disputes
touching fees.

3. The Port Warden shall record all fees received under this Act, and make annual return thereof, in the same manner as provided by the fourth section of the said recited Act, and the twenty-fourth and twenty-fifth sections of the said Act shall apply to any dispute arising between the Port Warden and any shipper from whom fees are claimed under this Act.

Board of Trade
may fix a salary
for the Port
Warden instead
of fees.

4. The Board of Trade may, if they see fit, at any time, fix and appoint a salary to the Port Warden, to include his own remuneration and that of his deputies and his expenses of office or otherwise, as may be arranged; and for any period during which the Port Warden shall be paid by salary, such balance as may appear by his certified annual return, to be in his hands over and above his salary, (or over and above his salary, that of his deputies and his expenses of office, if the same are not included in his salary,) shall be forthwith paid by the said Port Warden to such person as the Board of Trade shall depute to receive the same.

Penalties for
infractions of 26
V. c. 52.

5. The penalty for any and every infraction or breach of the eighth section of the said recited Act, shall be the sum of forty dollars; and for every infraction or breach of the twelfth section of the said Act, the sum of forty dollars; and for every infraction or breach of the sixteenth section of the said Act, the sum of twenty dollars; and any and every such penalty as aforesaid, shall be recoverable in the manner prescribed by the Interpretation Act, in cases where penalties are imposed, and the recovery is not otherwise provided for.

Recovery.

C A P . L X .

An Act to amend the Acts incorporating the Town of Lévis.

[Assented to 18th September, 1865.]

Preamble.

24 V. c. 70.

WHEREAS the Corporation of the Town of Lévis have by their petition, prayed for certain amendments to their Act of incorporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 45 sub. a.
10 amended.

1. The tenth subsection of section forty-five of the Act to incorporate the Town of Lévis, is hereby repealed:

Compelling
Traders to take
licenses.

The Corporation of the Town of Lévis, by its Council, shall have power to make by-laws to compel traders and dealers, before carrying on their trade or business within the limits of the said town, to take out and receive from the Secretary-Treasurer of the said Town, a license to that effect, for which license every such trader or dealer shall pay to the Secretary-Treasurer

Treasurer of the said town such sum as shall be fixed by the said by-laws.

2. The thirteenth subsection of section forty-five of the Act to incorporate the Town of Lévis, is hereby amended, the following being added thereto : Sub-sect. 13 amended.

“ And the Council of the Town of Lévis shall have power to make by-laws to compel all persons within the limits of the said town, who may be desirous of engaging in any trade, art or branch of industry whatsoever, or of commencing any business whatsoever, either as agent, pawnbroker, distiller, manager or director of any theatre, circus, billiard room or ten-pin alley, or as butcher, baker or manufacturer of any description whatsoever ; in a word, all persons connected with any business, manufacture, occupation, art, trade or profession whatsoever, already introduced, or which may be hereafter introduced into the said town, whether mentioned in the said subsection or not, to obtain from the Secretary-Treasurer of the said town, before being allowed to engage in their art, trade or branch of industry as aforesaid, a license to that effect, for which license there shall be paid to the said Secretary such sum as shall be fixed by such by-laws.” The same as to certain callings and professions.

3. The fourteenth subsection of section forty-five of the Act incorporating the Town of Lévis, is hereby amended, the following being added thereto : Sub-sect. 14 amended.

“ And shall also have power to levy a special tax on any ward or part of ward of the said town, upon application of the rate-payers as hereinafter provided, in accordance with any by-law passed to that effect, for the construction, maintenance and repair of the hills, streets and footpaths in the said ward, or part of ward respectively.” Special tax for roads, &c.

4. The fifteenth subsection of section forty-five of the Act to incorporate the Town of Lévis, is hereby repealed, and the following substituted therefor : Subsect. 15 amended.

“ The Council shall be bound, on the application of a majority of the proprietors of any ward, or of any part of a ward, the extent whereof shall be fixed by the Council, and the said electors whereof are inscribed on the Assessment Roll, requiring improvements to be made or works to be done in such ward, or part of a ward, to impose a tax not exceeding one cent in the dollar for each year on the assessed yearly value of the real property in such ward, or part of a ward, which rate shall be fixed by a by-law of the said Council, respecting such works or improvements, and such tax may be levied and collected in the same manner as the other taxes of the said town, and shall constitute a special fund, to be deposited

deposited in the hands of the Treasurer, and to be applied to such improvements and works."

Sect. 46, sub-
sect. 18
amended.

5. The eighteenth subsection of section forty-six of the Act to incorporate the Town of Lévis, is hereby amended, by inserting the word "day-laborers" after the word "servants," in the said subsection.

Sub-sect. 19
amended.

6. The nineteenth subsection of section forty-six of the said Act, is hereby amended, the following being added thereto :

Power to enter
houses and
take offenders.

" And to authorize the entering of all such houses at all hours of the day or night, and the bringing at once before a Justice of the Peace for the district, of all persons found in or keeping such houses, and the summary condemnation, without further proceeding, of such persons, to a fine of not more than twenty dollars, payable at once and without delay, and, in default of payment, to a term of imprisonment not exceeding one calendar month."

Last subsect.
s. 46 amended.

7. The last subsection of section forty-six of the said Act is hereby repealed, and the following substituted therefor :

By-laws
respecting
carters.

" The Council of the said town shall have power to make by-laws in relation to the carters of the said town, and the system of granting them licenses and numbers, and to fix the rates and prices to be paid to them, and to be paid by them for their licenses and numbers, and to regulate the manner in which they shall be stationed and placed on the stands designated by the said Council, in such different places in the said town as the said Council shall think fit."

Sect 49
amended.

8. The forty-ninth section of the said Act is hereby amended, the following being added thereto :

Arrest of per-
son caught in
flagrante
delicto.

" Any person taken in the fact, or surprised *in flagrante delicto*, or caught in the act of contravening any of the provisions of the Act of Incorporation, or of the different Acts amending the same, or of the several by-laws of the Council of the said town, now in force, or which may hereafter become so, may be arrested on the spot, without other authorization, and taken before a magistrate or a justice of the peace for the district, and on proof, under oath, by two credible persons, of his culpability, such offender may be condemned in a penalty of not more than twenty dollars, payable without delay to the Secretary-Treasurer of the said town, and in default of such immediate payment, such offender may be condemned to a term of imprisonment not exceeding one calendar month, without any other formal proceeding, notwithstanding any law or usage to the contrary, and without its being necessary, before sending to prison any such person so convicted, to discuss his goods and chattels."

Penalty and
mode of en-
forcing it.

9. The Town Council shall have power to make by-laws in relation to dogs and their destruction, and to impose penalties for the infraction thereof, in accordance with the Act of incorporation. By-laws as to dogs.

10. The fifty-second section of the said Act, is hereby amended, the following being added thereto : Sect 52 amended.

“ But with respect to by-laws which relate only to the internal affairs of the town, or the object whereof is only the administration and government of the inhabitants of the said town, it shall be sufficient that such by-laws shall be read at the doors of the parish churches, and posted up at such doors, and also in the most commonly frequented public places in the said town ; and all such by-laws shall be held to have been read, published and posted up until the contrary is proved. Publication of By-laws.”

11. The sixty-sixth section of the said Act, is hereby amended, and the words “ said town ” are struck out, and the words “ District of Quebec ” substituted therefor. Sect. 66 amended.

12. The fifth section of the Act amending the said Act of Incorporation, passed in the twenty-fifth year of Her Majesty's Reign, is amended, by striking out all the words in the sixteenth line from the word “ office ” to the word “ from.” Sect 5 of 25 V. c. 48 amended.

13. This Act shall be deemed a Public Act. Public Act.

C A P . L X I .

An Act to incorporate the Village of Berthier as a Town.

[Assented to 18th September, 1865.]

WHEREAS, from the increase of the population of the Village of Berthier, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making, and whereas the Municipal Council of the said village has represented that it is necessary that more ample provisions be made in that behalf, and that the said Village be incorporated as a Town under the name of the Town of Berthier : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. From and after the passing of this Act, the inhabitants of the Town of Berthier as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate in fact, and in law, by the name of the Mayor and Council of the Town of Berthier, and separated from the County of Berthier for all Municipal purposes ; and by the same Town of Berthier incorporated.

Corporate
name and
powers.

Real property.

Bonds, notes,
&c.

Boundaries of
the Town.

same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town ; of becoming parties to any contracts or agreements in the management of the affairs of the said Town ; and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

2. The said Town of Berthier shall be bounded in front by the River St. Lawrence ; on the north-east side by the River Bayonne ; to the north-west and in the rear by a little stream, the confluence whereof with the River Bayonne is situated between the property of Peter Ralston and the farm belonging to Joseph Derouin or his representatives ; the rear line along the said stream from its said confluence with the River Bayonne to the south-west side of a line road between the farm belonging to the Fabrique of the Parish of Berthier and the farm belonging to Louis Marie Raphael Barbier or his representatives ; thence from the said south-west side of the aforesaid line road in a north-westerly direction along the line which divides the said line road from the farm of the said Louis Marie Raphael Barbier, as far as the rear line of the lot belonging to the Berthier Academy ; thence, in a south-westerly direction, along the said rear line of the lot belonging to the said Academy to the western angle of the said lot ; thence, from the said western angle along the south western line of the said lot as far as the southern angle thereof ; thence from the said southern angle in a straight line running parallel to the said line road until such line reaches a road or street in front of the farm held by the said Louis Marie Raphael Barbier or his representatives ; thence, in a straight line, in a southerly direction, as far as a wooden cross situated on the farm belonging to the heirs of Louis G  n  reux, at a distance of three arpents and one perch from the River St. Lawrence ; and lastly on the other side on the south-west by a straight line drawn from the said cross and running parallel to the side lines of the said farm belonging to the heirs G  n  reux, until the said line reaches the River St. Lawrence :

Wards and
their bounda-
ries.

2. And the said Town shall be divided into three Wards : the East Ward, the Centre Ward, and the West Ward, each represented by three councillors ; the East Ward shall comprise the tract between the River Bayonne and a parallel line passing through the centre of Joseph Street, from the River St. Lawrence to the boundary line of the said Town in the rear ;
the

the Centre Ward shall commence at the said line and shall extend upwards as far as the south-western side line of the land belonging to the St. James congregation, at present occupied by the Reverend William Merrick ; the West Ward shall commence from the last mentioned line and shall extend to the south western boundary of the said Town.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, nine fit persons, three for each ward, who shall be and be called the Councillors of the Town of Berthier ; and such Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of Berthier.

Election of
Councillors.

4. No person shall be capable of being elected Councillor of the Town of Bertier, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after payment or deduction of his just debts :

Qualification of
Councillors.

2. No person shall be capable of being elected Councillor of the said Town of Berthier, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years ;

Further quali-
fications.

3. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, nor salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partners any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Councillor for the said Town ; provided always, that no person shall be held incapable of being elected Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town ;

Who may not
be elected
Councillor.

Proviso.

4. The following persons shall not be obliged to accept the office of Councillor of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years of age, and the Members of the Council of the said Town, who have been so within the last two years ;

Who shall not
be bound to
accept the said
office.

years ; and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who may vote at municipal elections.

5. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time as proprietors by themselves or their wives of real property in the said Town, and who have been so for at least six months, and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent during the year immediately preceding the election, on a dwelling-house, or part of a dwelling-house, at the rate of not less than twenty dollars per annum ; provided always, that no person qualified to vote at any Municipal Election in the said Town, shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election ; and it shall be lawful for any candidate at the said election and the person presiding over the said election to require the production of the receipts setting forth the payment of such assessments so due as aforesaid.

Proviso.

Voter must have paid his taxes, and the receipt may be demanded.

Present Councillors to remain until elected.

6. The Councillors of the said Town, who are at present in office, shall remain in office until the elections, which are to take place by virtue of this Act, and all by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Village of Berthier, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Village of Berthier, as heretofore constituted.

Present By-laws to remain in force until altered, &c.

When the municipal elections shall be held ; notice thereof.

7. The Municipal Elections for the said Town shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the door of the church of the parish of Berthier, and in the market of the said Town, and read at the door of the said Church, at the issue of Divine Service in the morning of the Sunday preceding the election ; and the said notice shall be signed for the first election in virtue of this Act, by the present Mayor of the village of Berthier, or in his absence by the Registrar of the County of Berthier, and shall specify the day, the place and the hour upon which such election shall be held in each of the wards of the said Town ; and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer

Treasurer of the Town, and shall specify in like manner the day, place and hour upon which the said elections are to take place in each of the wards of the said Town.

8. Before the publication of the notice announcing such election, the present Council of the Village of Berthier, for the first election to take place in the month of January next, and afterwards the Council of the said Town, for subsequent elections, shall appoint one of their number to preside at and to conduct such election, and shall specify the places when it shall be held in each ward; such Councillor having under him a deputy, appointed and paid by the council, for each of the wards of the said Town; such deputies shall have the qualifications necessary to entitle them to vote at such election, and if they think fit it shall be lawful for them to have a poll-clerk whom they shall appoint by a writing under their hand; and the polls shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the clock in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall vote in the ward in which he resides at the time of such election and at the closing of the poll, the deputy in each ward shall declare the three persons, who shall have obtained the greatest number of votes to be duly elected Councillors of the said Town, and in case the candidates have an equal number of votes, the deputy acting at the poll shall give his casting vote :

Who shall
preside at the
first election.

Mode of voting.

Casting vote in
case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the deputy in each ward shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day when he shall continue to take down the votes, and he shall close the election at the hour of four in the afternoon of the second day, and shall then declare duly elected Councillors, such of the candidates as shall be entitled to be so declared elected ;

Voting may
continue two
days if one be
insufficient.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the deputy in each ward to close the said election and declare duly elected as Councillors, such candidates as shall be entitled to be so declared elected ; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding ;

Poll to be
closed if no vote
be given for
one hour.

Proviso.

4. The Councillors elected at any of the municipal elections shall remain in office during two years ;

Duration of
office of Coun-
cillors.

How subsequent elections shall be conducted.

5. The subsequent annual elections of Councillors for the said town shall take place in the same manner and within the same delays as the first ;

Oath of office of deputy or Poll Clerk.

6. Before proceeding to the holding of any election in virtue of this Act, each deputy or poll-clerk shall take the following oath which the Councillor presiding, or any other Councillor, or any justice of the peace, residing in the said Town, is hereby empowered to administer, viz :

“ I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of Deputy-Returning Officer (*or of Poll-Clerk*), at the election, which I am about to hold, of a person or persons to serve as Councillor for the Ward (*as the case may be*) of the said Town of Berthier. So help me God.”

Powers of person presiding and his deputies.

7. The Councillors presiding, and each deputy at any Municipal election in the said town, shall, during such election, be conservators of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law and disturbers of the peace, as are vested in the justices of the peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person presiding at an election to appoint special constables in sufficient number to preserve peace at the said election, if he shall think it necessary, or be required so to do by five electors.

Notice of first meeting of Council.

9. 1. The person presiding at any election shall, within two days from the closing of the election, give to each of the Councillors so elected, special notice of his said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election ; the Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors :

Entry into office.

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

Attestation of Poll books.

3. In every election held in virtue of this Act, the poll-books containing the names of the voters and other matters shall be attested under oath by each of the deputies, who shall have presided at such election in the several wards of the said town, each

each of the said deputies attesting his own poll-book before the Councillor presiding at such election, or any justice of the peace residing in the said town ; and such presiding Councillor or justice of the peace is hereby authorized to administer such oath, and the said oath shall be in the form following, and shall be written in whole or in part on the last page of the said poll-book, containing the names of the electors :

" I, A. B., swear that the poll-book kept by me at the municipal election for the ward of the town of Berthier, is true and correct to the best of my knowledge and belief. So help me God."

Oath.

And the said poll-books, so sworn to, shall be deposited in the office of the Secretary-Treasurer of the said town, by each of the said deputies, within three days next after such election ;

Deposit of Poll books.

4. The first session of the Council, after the first election, shall take place within fifteen days immediately following the said election, and at such meeting the Councillors elected shall take the following oath before a Justice of the Peace :

First sitting Mayor and Councillors to take oath of office.

" I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Council of the town of Berthier, to the best of my judgment and ability : So help me God."

The oath.

And the members then present, provided they form a majority of the Council, shall at once proceed to elect from amongst themselves, by a majority of the votes of the members present, a mayor for the said town, who shall remain in office for the time for which he was elected councillor ; and immediately after they shall be authorized to act as the Council, and all members absent without just cause, shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

Majority then present may Act, others to be fined.

5. The Councillors elected at the elections subsequent to the first, shall enter office on the day of their nominations, and a meeting of the Council shall take place within fifteen days after, in the same manner as after the first election, and the Councillors elected shall take the same oath, and shall proceed to the election of the Mayor as aforesaid, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving :

When the Councillors elected after first election shall go into office.

First meeting.

Penalty.

6. Five members of the Council shall constitute a quorum ;

Quorum.

7. The expense of every election shall be defrayed out of the funds of the Corporation.

Expense.

If any Councillor refuse to act or his election is contested.

10. In any case in which one of the persons so elected shall refuse to act as Councillor, or in case his election, being contested, shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor, within one month after the said refusal shall have been made known, or that the said election shall have been declared null; and if the election shall have been declared null, the electors of the town shall proceed to a new election for such Councillor, and in the case the poll shall be held at a place fixed by the said Council, in the ward of the said town in which such vacancy shall have occurred, and the said election shall be conducted in the same manner as ordinary elections :

In case of the absence, death or incapacity of any Councillors.

2. In case of the death of a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council, which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town, another Councillor, to replace the Councillor so deceased, absent, or rendered incapable, as above mentioned ; and in case the votes of the said Councillors are equally divided in the appointment of a person to replace a Councillor, the election shall proceed in the manner mentioned in the preceding paragraph ; provided, however, that notwithstanding the decease, absence or inability to act of the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Councillor taken place ;

If the votes are equally divided, &c.

Provido : remaining Councillors empowered to act.

Duration of office.

3. Every Councillor elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say :

The oath.

" I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the Town Council of Berthier : So help me God."

Presiding officer to examine candidates upon oath as to qualification, if

12. The officer presiding at any election under this Act, and his deputies shall have authority, and they are hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party

is allowed by law to affirm) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office ; and shall also have authority, and they are hereby required, upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following :

" You swear that you will true answer make to all questions put to you by me in my capacity of presiding officer at this election, respecting your qualification to be elected a member of the Town Council, (or respecting your qualification, to vote at this election, *as the case may be*): So help you God."

The oath.

And the presiding officer shall himself put the questions which he shall deem necessary.

May put questions.

13. If any person being examined upon oath or affirmation under this Act, as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury.

False swearing to be perjury.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as might be imposed by the said Town Council in the like case.

Times and places of meeting of the Council.

Proviso : as to adjournments and penalties for non-attendance.

15. It shall be lawful for the Mayor of the said Town whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Mayor may call special meetings.

And in case of his absence or refusal.

Decision of
contested
elections by
Circuit Court.

16. If the election of all, or of one or more of the Councilors, be contested, such contestation shall be decided by the Circuit Court in and for the County of Berthier.

Who may con-
test;

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said Town;

And how.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation;

Form of pro-
ceedings.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received unless security for costs be given by the petitioners in the presence of a Judge of the Superior Court, or of the Clerk of the Circuit Court for the said County of Berthier, or his Deputy;

Time for con-
testing limited.

Security for
costs.

Court may
proceed in a
summary
manner.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order;

Evidence.

What may be
declared by the
judgment.

6. The Court may on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

As to defects or
irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground

ground of contestation, the Court may admit or reject the same, according as such defect or irregularity may, or may not, have materially affected the election.

17. In case it shall, at any time, happen that an election shall not be held, for any reason whatever, on the day when in pursuance of this Act it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be the duty of such members of the said Council as shall then be in office, to meet again for the purpose of fixing, as early as possible, a day for the holding of such election; and in such case the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty-dollars each, and such election shall then be held by the Clerk of the Circuit Court in and for the County of Berthier, and in his absence by the Registrar of the County of Berthier.

In case any election shall not be held.

18. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any member of their own body for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the mode of their proceedings.

Meetings to be public.

19. The Mayor of the said town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the Council; provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office; provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Mayor to preside at Council meetings, and to have casting vote but neither he nor the Councillors to have any pay as such.

Proviso.

20. 1. The Council, at its first general meeting or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Berthier."

Secretary Treasurer to be appointed.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*,

Duties of Secretary-Treasurer.

His certificate
to make certain
documents
authentic.

verbaux, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

Security to be
given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties, and
for what bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security bond.

5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be regis-
tered, and its
effects when
registered.

6. Every such security bond, when duly registered in the registry office for the County of Berthier, shall carry with it a hypothec (*hypothèque*) only on such immovable property as shall have been therein designated; and it shall be the duty of the chief officer of the Council to cause it to be registered immediately on receipt thereof;

The Secretary-
Treasurer shall
receive and pay
out the moneys
of the corpora-
tion.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer unless the same shall show sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

To keep the
books.

8. The Secretary-Treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure according to dates, mentioning at the same time the names of the persons who have paid any moneys
into

into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener, if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

To render attested accounts.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

Books to be open to public.

11. The Secretary-Treasurer, or any other person, who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof by way of damages, together with the costs of suit ;

He may be sued by the Mayor in the name of the Corporation.

Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Contrainte par Corps.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council ;

Power of Council to appoint officers.

14. Every Municipal Officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

Officers retiring—their duties.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within

In case of death or absence from Lower Canada.

within one month from his death, or from his departure from Lower Canada ;

His successor to have a right of action for certain purposes.

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation ; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed; their duties.

21. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuers of property to estimate the ratable property in the said town, according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take oath.

22. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or, in his absence, before a Councillor, to wit :

The oath.

" I, _____, having been appointed one of the assessors of the Town of Berthier, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability : So help me God."

Real property qualification of Assessors.

23. The assessors who shall be appointed for the said town shall be proprietors of real estate in the said town of the value of at least four hundred dollars.

Proceedings of Council upon deposit of assessment roll.

24. When the assessors shall have made a valuation of all the ratable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors ; And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined by the Councillors ; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting ; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives ; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council

Complaints and hearing and decision thereof.

Council at the first meeting which shall be held after the expiration of the month above mentioned ; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just ; and at the same meeting the said assessment roll shall be declared closed for two years ; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined ; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said town should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value ; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll ; and provided also that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandize held in the said Town.

Duration of roll.

Proviso : as to diminution in value.

Proviso : as to omissions.

Proviso.

25. At the first meeting after each annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council ; and such Auditors shall take the following oath, before any one of the Justices of the Peace residing in the said Town, that is to say :

Two Auditors of accounts to be appointed and sworn.

" I, _____, having been appointed to the office of Auditor of the Town of Berthier, do hereby swear that I will faithfully perform the duties thereof according to the best of my judgment and ability ; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by, or on behalf of the Town Council of the said Town of Berthier. So help me God."

The oath.

26. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of or within the jurisdiction of the said Town Council, and may then remain unsettled ; and to make their report to the Council of the said Town at least fifteen days before the day of the election.

Duty of Auditors.

27. The Auditors who shall be appointed for the said Town shall be proprietors of real estate therein of the value of at least two hundred dollars ; provided always that neither the Mayor, Councillors,

Real property qualification of Auditors.

Proviso: certain parties disqualified.

Councillors, nor Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Mayor to be Justice of the Peace.

28. The Mayor of the said Town shall, during the period of his office be *ex officio* a Justice of the Peace for the said Town.

In what cases Councillors shall become disqualified.

29. Every person holding the office of Councillor of the said Town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of the Court of Queen's Bench, or of the Superior Court, or a member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a period of three consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act; provided always that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Vacancy to be filled.

Proviso.

Town Council may make by-laws for certain purposes.

30. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or occupied lots; for the prevention and suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said Town; and all the powers conferred by the Municipal Act of Lower Canada of one thousand eight hundred and sixty, and the Acts amending the same, upon any Municipal Council, and upon the Councillors and Officers thereof, not incompatible with this Act, are conferred upon the Corporation of the Town of Berthier, the Municipal Council, the Councillors and the Officers of the said Corporation.

Powers under municipal Act L. C.

May appoint and remove officers.

31. It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the by-laws now in force, or to be by

by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

32. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary and advantageous public improvements of the said Town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable property in the said Town, the taxes hereinafter designated, that is to say :

Council may
levy taxes.

1. On all lands, town lots and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent on the dollar on their whole value, as entered on the Assessment Roll of the said Town ;

Upon real pro-
perty.

2. On the following movable property, a sum not exceeding one half of a cent in the dollar on the value herein specified ;
Every horse, kept for covering mares, shall be rated at four hundred dollars ;

And upon cer-
tain movable
property.

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two-horse sleigh, at eighty dollars ;

Every one-horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Proviso : cer-
tain personal
property ex-
empted.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on the shelves in shops or kept in cellars or store-houses, a tax of one-half per cent. on the estimated average value of such stocks in trade ;

Upon mer-
chandise.

4. On each tenant paying rent in the said Town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Tenants.

Poll tax on
male inhabi-
tants.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog kept by persons residing in the said town, an annual sum of one dollar ;

On certain pro-
fessions, trades,
&c.

Public houses.

Pedlers.

Places of
amusement.

Auctioneers and
other traders.

Bankers.

Insurance
Companies.
All callings
whatever.

Workmen to be
taxed in classes.

Lawyers,
Doctors, &c.

Roll to be made.

Commutation
in respect to
statute labor.

Proviso.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ;—and on pedlers and itinerant traders selling, in the said Town, articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ;—and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ;— and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses, in the said Town ;—and on all money-changers, or exchange brokers, pawn-brokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents ;—and generally on all commerce, manufactures, callings, arts, trades and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein ; and the workmen of all mechanical arts and trades, exercised in the said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of movable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class ; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually ; and the said Town Council may name a person or persons to make a roll of the persons and movable property mentioned in the different parts of this section ;

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say : of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith ; Provided always, that every such sum demanded for personal commutation shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it ;

9. And the said Town Council may also provide, by resolution, for the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom a revenue for the said Town.

Investment of money in the hands of the Council.

33. The said Council shall also have power to make By-laws :

Council may make by-laws with respect to—

1. For the concession of lots, and for opening new streets in the said Town, to such extent as may, from time to time, be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding ;

Opening streets, &c.

2. For determining and regulating the duties of the clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets ; and for letting the stalls and other places for selling, upon and about the said market places ; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever ; and for regulating the conduct of all such persons in selling their goods ; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said market ; and for fixing the duties to be paid upon waggons, carts, sleighs, boats, canoes and vehicles of all kinds in which articles may be exposed for sale in a public market or in a street, or on the beach bordering on such Town, or on that part of the river forming the front boundary of the said Town, and to determine the manner in which such vehicles shall be placed for such purposes ;

Clerks of markets and their duties.

Weighing and measuring.

Duty on waggons, carts, &c.

3. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town ;

Amending by-laws.

4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets ;

Vehicles on markets.

5. For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town ;

Sales elsewhere than in markets.

6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, brought into or sold in the said Town, by strangers, or persons residing therein ; and for authorizing the seizure and confiscation of all grain, meat, flour, butter, potatoes and other vegetables, fruits, articles and things brought into the said Town for sale or otherwise, in consequence of any defect in weight, measure or quality or for any

Cordwood, &c.

Confiscation of articles for fraud.

any other good and sufficient cause, and also for determining the manner in which all such articles exposed for sale in contravention of the said By-laws, shall be disposed of after confiscation ;

Weights and measures.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe, in the above matters, the By-laws which the said Council shall hereafter deem useful to establish ;

Obstructions.

8. For preventing obstructions of any nature whatsoever in streets ;

Sales on public highways.

9. For preventing the sale on the public highway of any wares or merchandize whatsoever ;

Sale of intoxicating liquors.

10. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient ;

Licenses.

11. For determining under what restrictions and conditions the Revenue Inspector shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers and other persons to sell such liquors ;

Sum payable.

12. For fixing the sum payable for every such license, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;

Regulation of shop-keepers.

13. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;

Sale of liquor to children, &c.

14. For preventing the sale of intoxicating beverage to any child, apprentice or servant ;

Cruelty to animals.

15. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks of the said town ; or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight ;

Bread.

16. For regulating the sale and weight of bread, and the seizure, forfeiture and confiscation of all such bread so exposed for sale contrary to the said by-laws, or which may be of light weight or unwholesome ; and for regulating the manner in which it shall be disposed of after confiscation ; and for that object, for authorizing officers and persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for
the

the purpose of examining and weighing the same, and for doing any other necessary act or thing which may be considered advantageous for the public benefit and safety, the attaining of such object, or the carrying out of such by-laws ;

17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;

Servants and apprentices.

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said town ;

Gaming houses.

19. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species running at large in the said town ;

Pounds.

20. For regulating, arming, lodging, clothing and paying a Police Force in the said town, and for determining their duties ;

Police.

21. For fixing and regulating the places where burials may take place within the said town ; for compelling the removal of bodies which shall have been interred contrary to this section ; provided always, that this section shall not be deemed to extend to prevent burials in the churches of the said town ;

Burials.
Proviso.

22. To compel the proprietors of all land and real property within the said town, or their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure, and to make footways, if the Council should think fit to do so ;

Enclosures.

23. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Draining and fencing of lands.
If the owner is poor, &c.

24. To oblige all proprietors or occupants of houses in the said town, to remove from the streets all encroachments or obstructions

Encroachments.

obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

Old and ruinous buildings.

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets all sheds, stables and other outbuildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width of streets.

26. For regulating the width of streets now open, or to be opened hereafter in the said town ; for regulating and altering the height or the level of any street or sidewalk in the said town ; provided, that if any person shall suffer any damage by the widening, lengthening or altering the level of any street in the said town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Proviso.

Water and gas.

27. For defraying out of the funds of the said town, the expenses of furnishing the citizens with water, and of lighting the town with gas, or in any other manner ; and for obliging the proprietors of real property in or outside the said town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors in the said town to allow the necessary pipes, lamps and posts to be fixed upon their houses ; provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council ; and provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council ;

Proviso.

Proviso.

Common sewers.

28. For assessing the proprietors of real property situate on any of the streets of the said town, for such sums as shall be deemed necessary for the making or repairing of any common sewer in any of the streets of the said town, such assessment being in proportion to the assessed value of such property, and for regulating the mode in which such assessment shall be collected and levied ;

Sweeping and watering, &c.

29. For assessing at the request of a majority of the citizens residing in any of the streets or public squares of the said town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property ;

30. For raising all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said Town, and of bridges and other public works outside the limits of the said Town; and for making improvements in the navigation of the river forming the front boundary of the said Town, and for appropriating to such purposes the moneys of the said Town, and any sums in their hands derived from the Municipal Loan Fund, for whatsoever purpose the same may be destined ;

Raising money
for roads,
bridges, rail-
ways and river
improvements.

31. For assessing over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council may be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said Council shall neglect or refuse, within six months after such destruction or damage, caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province;

Damages from
riots and
tumults.

32. To fix the place for the erection in the said Town of any manufactories or machinery worked by steam;

Steam en-
gines.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties intrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases; for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof.

Contagious
diseases.

34. For preventing and restraining all games with cards or dice or other games of chance, with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said town;

Gambling.

35. For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof; and for giving power and authority to enter into all shops, taverns, hotels and other houses or places of public entertainment, licensed or not licensed in the said Town;

Disorder and
tumults.

36. For finding out and arresting on the spot, such persons as shall be found playing, either at cards, dice, or other games of hazard, or engaged in cock-fights or dog-fights, in such places, contrary to any By-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance, or disorder therein;

Cock-fights,
&c.

Snow, &c.

37. For obliging all persons to remove the snow, ice or filth from the side-walks and from the roofs of buildings possessed or occupied by them, and also the snow and ice from the street, and for punishing them for failing to do so ;

Side walks, &c.

38. For preventing and forbidding the obstruction of the streets, squares or sidewalks by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever ;

Hawkers.

39. For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewelry and merchandise of all kinds in or along the streets, public places, and sidewalks of the said town ;

Unwholesome trades.

40. For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any other place that may be unwholesome or fetid, to cleanse and purify it, or even to remove it, or to cause it to disappear as far as may be necessary for the health, comfort and convenience of the inhabitants of the said town ;

Dead bodies, &c.

41. For preventing any person from bringing into or depositing or leaving within the limits of the said Town, or in the river forming the front boundary of the said Town, any dead body or carcass, or other deleterious substance, and for causing the same, together with any matter on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found, and in his default to authorize the removal or destruction of the same by some officer of the Town, and to recover the expense of such removal or destruction from the person refusing or neglecting to remove or destroy the said substance ;

Dogs.

42. For regulating and preventing the allowing of dogs to go at large in the said Town, and for authorizing the destruction of all dogs wandering at large in contravention of any By-law in the said Town ;

Fees at pounds.

43. For establishing a tariff of the fines and duties which shall be paid at the public pounds which now exist or which shall hereafter be established in the said Town ;

Hucksters.

44. To control and regulate hucksters and persons who buy articles brought to the said town, in order to sell them again, and for imposing duties and taxes on them for carrying on their business ;

Regulating streets and public places.

45. For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, side-walks, crossings, drains and sewers, and all natural water-courses in the said Town ;

Town ; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water-courses running through private property in the said town ; and for regulating every thing on this subject, whether the said water-courses be or be not covered ; It shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said Town ;

Shade trees.

46. For regulating the way in which horses shall stand at rest, or be tied in the streets or open sheds in the said Town ;

Horses.

47. For preventing or regulating bathing and swimming in the River forming the front boundary of the said town ;

Bathing.

48. For regulating and preventing the firing of guns, pistols and other fire-arms, and preventing the making of bonfires and firing off of rockets and crackers.

Fire works.

49. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say :

Prevention of accidents by fire.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings ; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired ;

Chimneys.

2. For defraying, out of the funds of the said town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effectual for preventing accidents by fire, or arresting the progress of fires ;

Fire engines.

3. For preventing thefts and depredations which may be committed at any fire in the said town, and for punishing any person who shall resist or maltreat any member or officer of the said Council in the discharge of any duty assigned to him by the said Council under the authority of this section ;

Thefts at fires.

4. For establishing or authorizing and requiring to be established after each fire in the said town, a judicial inquiry into the cause and origin of such fire, for which purpose the said Council or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any members of the said Council or of such committee ; and the said Council or committee may also deliver over to be imprisoned in the common gaol of the district, any person

Enquiring into causes of fires.

person against whom well-grounded cause of suspicion may be found of his having maliciously originated the said fire ;

Sweeping of chimneys.

Penalty for contravention.

Ashes and quick lime.

Conduct at fires.

Persons wounded at fires.

5. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said town to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps ; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept or whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace ; and whenever any chimney which shall have caught fire, as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shown on proof before him ;

6. For regulating the manner in which ashes or quick lime shall be kept in the said town, and for preventing the inhabitants of the said town, from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ;

7. For regulating the conduct of all persons present at any fire in the said town ; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order more easily to arrest the progress of the fires ;

8. For defraying out of the funds of the said town any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ who shall have received any wound or contracted any severe decease at any fire in the said town ; or in assisting or providing for the family of any person in their employ who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said town ;

9. For vesting in such members of the Council or in the Fire Inspectors, or both, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, outhouses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said town ;

Demolition of
buildings in
certain cases.

10. For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said town ;

Appointment of
officers.

11. For authorizing such officers as the Council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and outside of all houses and buildings of any description within the said town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said town, to admit such officers for the purpose aforesaid.

Authorizing
officers to visit
and inspect
buildings, &c.

35. Whenever an assessment or assessments and taxes are imposed by the Town Council, the Secretary-Treasurer shall immediately prepare his collection roll for the town, and shall enter thereon the name of each person assessed, whose name shall be on the assessment roll, the value of the real property belonging to each person, as specified by the assessment roll, and the amount of movable property for which such person is liable to taxation ; and he shall, in like manner, calculate and enter the several assessments payable by such person, either in virtue of a By-law, or otherwise, and the total amount in which each person is indebted ; and when the Secretary-Treasurer shall have completed his collection roll, he shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection roll is completed and deposited in his office, and that all persons therein mentioned liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice :

Collection rolls
to be made
when assess-
ments are im-
posed.

Duty of Secre-
tary-Treasurer
upon comple-
tion of collec-
tion-roll.

2. If at the expiration of the said twenty days there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Duty with
respect to
arrears.

As to persons
residing out of
the town.

3. The provisions of the preceding subsection shall apply to persons residing beyond the limits of the said town, who shall be bound to pay their assessments within the time next after the public notice in this section mentioned, it being necessary to make any demand for payment personally or at their domicile ;

Proceedings in
case of neglect
to pay.

4. If any person residing in the town neglects to pay the amount of assessments imposed upon him, for a period of thirty days after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all goods and chattels in his possession, wherever they shall be found, within the limits of the said town, addressed to one of the sworn bailiffs of the district of Richelieu, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded upon the right of ownership or privilege upon the same, shall be a bar to the sale, or the payment of the assessments and expenses of the proceeds of such sale.

From what
parties taxes
may be re-
covered.

36. 1. Every tax or assessment imposed by virtue of this Act upon any property or house in the said town, may be recovered either from the proprietor, or from the tenant or occupier of such property or house, and if such tenant or occupier is bound by lease or other stipulation to pay such tax or assessment, such tenant or occupier may, and shall be entitled to deduct the sum so paid by him, out of the rent which he is bound to have to pay for the possession of such property :

Proceedings in
case of non-
performance of
work ordered
by Council.

2. Whenever the Town Council shall have passed any resolution or by-laws directing work to be done within the said town, in any part thereof, and any proprietor shall be unable, by reason of absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work to be done ; and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and prior hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the Council, with interest at the rate of eight per cent. ;

Case of ab-
sentee pro-
prietor of va-
cant ground
provided for.

3. In all cases where the persons, who shall be responsible in respect of any vacant ground or other real property within the said town, shall not reside within the said town, and the rates or assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of two years, then it shall be lawful for the said town Council, without having obtained a judgment before any Court of Justice, to sell and dispose of such property by public sale, or so

thereof as shall be judged sufficient for the payment of the sum due, with costs ; and the Secretary-Treasurer after having been authorized by a resolution passed by the said Town Council, may, and shall with the view of effecting such sale, prepare, on or before the fifteenth day of the month of November, according to such authorization, a statement of all the assessments and taxes remaining unpaid upon the collection rolls for two years and over, with the particulars therewith connected, including the amount or balance due upon all judgments obtained against such person as proprietor or occupant of such land, or otherwise, within the limits of the said town, either for taxes or for penalties due and incurred under this Act ; and in such statement he shall shew, opposite to each debt, the reason why he could not collect the same by inserting the words " non-resident " or " no personal property to seize," as the fact is, and a designation of the lots or parcels of land, giving the name of the street and the number of the lot, or the bounds, limits, and abutments thereof, in respect of which such assessments or other debts are due ;

Mode of effecting sale of ground.

4. And after having completed the said statement of assessments and debts due on the collection rolls, at the time and in the manner aforesaid, the Secretary-Treasurer of the said town shall cause to be inserted, at least three times in the course of the month of December or January following, in at least one newspaper published in the district of Richelieu, or in an adjoining district, if there be none published in the former, an advertisement in the French and English languages, containing a list of all the lots or parcels of land respectively, upon which the assessments, debts or other claims in the said statement mentioned, remain due, shewing opposite the designation thereof, whether by the name of the street and the number of the lot, or by the bounds, limits and abutments thereof, the amount to be raised for the discharge of such assessments and claims, including all expenses and costs then known, established and fixed by the tariff made by the Council of the said town, and announcing that all such lots or parcels of land, together with the buildings thereon, if such there be, will be publicly sold and adjudged to the last and highest bidder, on such a day in the month of February or March following, at the place at which the sittings of the said Town Council shall for the time be held, to obtain payment of such assessments and other claims ; and he shall also give notice of each sale, in the manner required before proceeding to the election of Councillors for the said town ; every such notice shall specify the place, the day and the hour at and on which such sale will commence ; and all the lots so announced for sale in the town, may be included in one and the same statement, and one and the same advertisement ;

Advertising ands for sale with description thereof.

Further notice.

5. The lands, movables or effects to be sold in virtue of the provisions of this Act, for the payment of taxes or other claims, shall

Sale by auction.

shall be offered for sale at public auction ; but they shall be exempt from auction duties, and it shall not be necessary that they shall be sold by a licensed auctioneer ;

By a Bailiff.

Proviso : for redemption.

Condition of payment to purchaser.

Proviso : as to surplus of price.

As to hypothecs.

Surplus.

Contested claims.

6. At and on the place, day and hour fixed for the sale of the lots or parcels of land, the Secretary-Treasurer of the Corporation, or his employ, to effect such sale, a bailiff residing in the said town of Berthier, who shall be specified to him by the said Council, provided always, that all proprietors of real property, sold by the authority of this Act, shall be entitled to resume such property within one year from the day of such sale, on paying to the purchaser, the entire amount of the purchase money, the legal interest thereon, and the amount of the necessary repairs made on such real property, by order of the said Council, in the virtue of this Act ; upon the condition, however, that the purchaser shall have maintained the said property in the same state and condition in which it was at the time of the purchase, and shall neither have stripped it nor allowed it to deteriorate, and, moreover, the costs incurred in making such sale, at the rate of ten per cent, besides the interest, both on the amount of the purchase-money and on the outlay aforesaid ; provided also, that if, after such sale of property, any surplus of money remains over and above the amount due to the said Council for the purchase money and costs, the said Secretary-Treasurer shall deposit such surplus, to whatever sum it may amount, in the funds of the said town as a loan, at interest at the rate of ten per cent per annum, until such money is demanded or reclaimed by the person to whom it belongs, to whom such money shall be paid, however at the time of the sale there exist any charge, mortgage, hypothecary and privileged claim on the land sold, in whole or in part, the said council, after having ascertained the validity of the certificate of the Registrar of the County of Berthier, and after the expiration of the delay hereinbefore granted for the redemption of such land, shall by preference apply the said surplus money, both principal and interest, after deducting the costs incurred by the council, to the discharge of the said claims and charges, according to their respective order of priority in conformity with the law ; and then if any money remains, it shall be returned and paid to the person or persons who were proprietors of the land at the time of sale, or to the other persons as may be entitled thereto ; but in case of contestations should arise among the hypothecary creditors, and in case of doubt should exist as to their respective rights of priority, privileges, or between the latter or any of them, and the proprietor of the land sold with respect to such claims or charges, the said Council shall be entitled to retain, in whole or in part, the surplus remaining after the sale, after the said assessments and debts owing to the Corporation have been discharged, together with the costs incurred as aforesaid, until the rights of the parties shall have been decided upon by a Court of competent jurisdiction.

7. If the highest bidder does not, upon the day of sale, pay *Fallo enchère.* the amount of the purchase money, the Secretary-Treasurer shall adjourn the sale to another day, not later than one week, by giving to all persons present notice of the adjournment of the sale in loud and intelligible language, and on the day of the sale so adjourned, the Secretary-Treasurer shall again offer the real property for sale, and shall sell it in whole or in part, unless, in the interval, the first purchaser shall have paid the amount of all the assessments and claims owing upon the real property;

8. Upon payment by the highest bidder of the amount of the purchase money, the Secretary-Treasurer shall give him a certificate *Certificate on payment.* under his hand, specifying the particulars of the sale, and the highest bidder shall then be seized of the lot or parcel of land adjudged, and may take possession thereof;

9. Every such certificate shall be in duplicate; one duplicate shall be given to the person who shall have paid the purchase money, and the other shall remain of record in the office of the Secretary-Treasurer; *In duplicate.*

10. Every such certificate or a copy thereof, certified by the Secretary-Treasurer, shall be evidence of the payment therein mentioned, and after having been registered at the office of the proper Registrar, shall insure to the person therein mentioned, his heirs, and assigns, a privilege and hypothec, taking precedence over all other claims against the lot or parcel of land so sold, for the reimbursement of the sum which shall be therein specified, with interest at the rate of six per centum per annum, reckoning from the date of the certificate, except over *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Act and the Acts amending the same; *Effect of registration of certificate.*

11. If, at the expiration of one year from the day of adjudication, the real property so adjudged has not been redeemed as hereinbefore mentioned, then the Secretary-Treasurer shall, on the application of the highest bidder, his heirs, representatives or assigns, and on proof of the payment of all the arrears of all other assessments which shall have become payable in the interval, execute, in due notarial form, a contract of sale conveying, in the name of the corporation of the town, the property so adjudged to the highest bidder, his heirs or assigns; *Title deed if not redeemed in one year.*

12. Such contract of sale shall be a translatory title to such real property, and shall convey to the highest bidder not only all the primary rights of property, but shall also have the effect of liberating such real property from all privileges and hypothecs whatsoever with which it may be charged, with the exception of *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Acts and the Acts amending the same. *Effect of such deed.*

Additional By-laws.

37. The Town Council shall also have power to laws for the following purposes :

Gaol or lock-up house.

1. For founding, establishing and regulating a town lock-up house for the confinement, from time to time, of any person transgressing the by-laws of the said Council, or found guilty of vagrancy or other misdemeanors ;

Water-courses.

2. To regulate and specify the direction of water-courses coming from other municipalities and passing within the limits of the said town ;

Local extent of By-laws for certain purposes.

3. All by-laws made by the said Council in relation to the preservation of public peace and order, and the due exercise of the powers of the police shall be effectual and executory against any person for any offence committed within the limits of the said town, but also for any offence committed on any part of the river forming the front boundary of the said town upon one-half of the part of the River St. Lawrence between the said town and Isle Randin or Isle de la C...

Assessment may be remitted in certain cases.

38. The said Council shall have power to remit to any persons assessed under this Act, a portion or even the whole of the amount due for assessment in certain cases of force majeure, if the said Council shall deem reasonable and sufficient.

Penalties for infringing By-laws, how punishable, &c.

39. If any person shall transgress any order or rule made by the said Town Council, under the authority of this Act, such person shall for every such offence, forfeit the sum specified in any such order, rule or by-law, with the costs allowed by the Justices of the Peace who shall try such offence in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender ; the offender shall also be committed to the common gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court ; no person shall be deemed an incompetent witness upon any information under this Act, by reason of being a resident of the said Town of Berthier ; provided always, that the information and complaint for any breach of any order or by-law of the said Town Council shall be made within three months next after the time of the offence committed ; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than five dollars nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council ; and the said Council shall also have power to punish, by selling or exposing to sale, or by exposing to sale, all persons guilty of transgressing or infringing at the same time the by-laws of the said Council.

Imprisonment.

Witnesses.

Proviso.

Exposing to sale, and infringing By-laws.

as regards the weight and quality of such goods, articles and provisions.

40. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said Town, by virtue of this Act, shall be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided that such privilege shall only apply to assessments which have become due within two years and no longer; and provided also that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and assessments shall be privileged debts.

41. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Secretary-Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the Town, unless otherwise provided by some other Provincial Act or Statute.

To whom penalties, &c., shall be paid.

42. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language, by reading the same at the door of the catholic church of the parish of Berthier, in the said District of Richelieu on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said Town.

By-laws, &c., to be published.

43. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may effect loans.

44. Whenever the said Council shall contract loans upon the credit of the said Town they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings Bank, annually and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund, shall remain deposited in such Savings Bank, with the interest which

Duties of Council with respect to loans.

Sinking Fund.

Proviso : in certain cases no new loan to be contracted,

Proviso : investment of Sinking Fund.

Powers of constables in certain cases.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

Properties exempt from taxation.

which may accrue thereon, until it shall be equal to the amount of the capital to be paid off ; provided always when the interest and Sinking Fund united shall absorb half of the annual revenues of the said Council, then in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund their loans, any sum exceeding half of their revenue ; provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders, instead of in a Savings Bank, the sums which shall have been agreed upon to form the Sinking Fund ; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall be paid on account of interest, and what amount shall have been paid into the Sinking Fund.

45. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the peace within the limits of the said Town, and also any person who shall be found sleeping in any field, vacant highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct ; and such person shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

46. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act and engaged in the execution of his duty, or who shall excite any other person to assault, beat, or forcibly resist any officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars, or to imprisonment for not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary ; provided always, that it shall be lawful for the said Council or any such officer or constable, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

47. The following property shall be exempt from taxation in the Town of Berthier :

1. All lands and property belonging to Her Majesty, the Queen, Her Heirs and Successors, held by any public body, of any corporation or person, in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3. Every place of public worship, presbytery and churches, and every burying-ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments ;

7. Every Court House and District Gaol and the grounds attached thereto ; provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied under the Government, in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town, and such rates or assessments shall be paid by the said tenants or occupiers thereof.

Proviso : exemption not to extend to Crown property leased to private parties.

48. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council.

Certificates for tavern licenses to be granted by Council only.

49. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Limitation of action for things done under this Act.

50. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice, and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

Encroachments on public streets or squares.

51. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the

Penalty for granting false receipts for

rent in order to
lessen taxes.

the premises therein mentioned or referred to, and every person who shall present to the assessors of the said Town a receipt or certificate, falsely representing the value of the land paid by such tenant, in order to procure a diminution or remission of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may
prevent re-
rection of
buildings in
certain cases.

52. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase such part of the lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by three arbitrators appointed respectively by the said Council and the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third, and the said arbitrators, having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may
acquire lands
for certain
purposes.

53. The said Council shall have full power to purchase and acquire out of the revenues of the said Town, all such lands, and real property whatsoever within the said Town as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in
cases of dis-
agreement as
to the value
of property
taken for town
purposes.

54. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to an issue unborn, lunatics, idiots, or wives *sous puissance de mar*, the said Council, after sufficient notice given to the said proprietor, may apply to the Circuit Court sitting in and for the County of Berthier, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, and power to the said arbitrators, in case of a difference of opinion, to appoint a third; and such arbitrators, before proceeding to such valuation, shall give to the said Council and the proprietor sufficient notice of the day, hour and place.

they will proceed to such valuation and the hearing of the parties in the case ; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Clerk of the said Circuit Court, or of the Prothonotary of the Superior Court in and for the district of *Richelieu*, for the use of the person entitled thereto ; and if no such person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Clerk or Prothonotary, to claim the sum so deposited, it shall be lawful for the said Clerk or Prothonotary, and he is hereby required, to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum ; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said town to pay the same.

35. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

Penalties for refusal to accept office.

The office of Mayor, thirty dollars :

Mayor.

The office of Councillor, twenty dollars :

Councillor.

2. Whenever the valuator neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of three months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed ;

On valuator neglecting their duties.

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person who shall refuse or neglect to do any act or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars ;

Penalties for refusing to perform duties of offices.

As to persons
residing out of
the town.

3. The provisions of the preceding subsection shall not apply to persons residing beyond the limits of the said town, who shall be bound to pay their assessments within the thirty days next after the public notice in this section mentioned, without its being necessary to make any demand for payment, either personally or at their domicile ;

Proceedings in
case of neglect
to pay.

4. If any person residing in the town neglects to pay the amount of assessments imposed upon him, for a period of thirty days after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all goods and chattels in his possession, wherever they shall be found, within the limits of the said town, addressed to one of the sworn bailiffs for the district of Richelieu, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same, shall prevent the sale, or the payment of the assessments and expenses out of the proceeds of such sale.

From what
parties taxes
may be re-
covered.

36. 1. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said town, may be recovered, either from the proprietor, or from the tenant or occupier of such property or house, and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant or occupier may, and shall be entitled to deduct the sum so paid by him, out of the rent which he would have to pay for the possession of such property :

Proceedings in
case of non-
performance of
work ordered
by Council.

2. Whenever the Town Council shall have passed any by-law or by-laws directing work to be done within the said town, or in any part thereof, and any proprietor shall be unable, from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such by-laws to perform to be done ; and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent. ;

Case of ab-
sentee pro-
prietor of va-
cant ground
provided for.

3. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the town, shall not reside within the said town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of two years, then it shall be lawful for the said town Council, without having obtained a judgment before any Court of Justice, to sell and dispose of such property by public sale, or so much thereof

of the Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the first day of January, one thousand eight hundred and sixty-six, the first eleven lots of the ninth range of the Township of Kingsey shall be detached from the Municipality of the said Township and attached to the Municipality of Kingsey Falls, for all municipal purposes.

Certain portion of township of Kingsey annexed to Kingsey Falls.

2. Nothing in this Act contained shall have the effect of liberating any portion of the territory so detached from any debts or obligations contracted previous to the passing of this Act by the Municipality to which it belonged.

Provision as to existing debts.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X I I I .

An Act to confirm the existing survey of the Township of Bulstrode, County of Arthabaska

[Assented to 18th September, 1865.]

WHEREAS the inhabitants of the Township of Bulstrode have, by petition, prayed for the passing of an Act to confirm the survey of the said township, at present recognized ; and whereas the inhabitants settled on the lands therein, are unanimous in that prayer, to avoid the inconveniences to which they would be subjected by an alteration of the original survey : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The survey made by James Marshall Parkin, Esquire, Provincial Land Surveyor, in the year one thousand eight hundred and thirty-seven, in so far as it relates to all lots of land in the Township of Bulstrode, from lot number sixteen to lot number twenty-eight, both inclusive, in all the ranges of the said township, and the survey made by J. B. Legendre, Esquire, Provincial Land Surveyor, in one thousand eight hundred and thirty-eight, in so far as relates to lots numbers ten, eleven, twelve, thirteen, fourteen and fifteen, of the twelfth range of the said Township, are hereby ratified and declared to be the surveys whereby all the division lines between the said lots of land shall be drawn, to establish the limits of each one of them for all purposes whatsoever.

Existing survey of township of Bulstrode confirmed.

2. Nothing contained in the present Act shall be construed as to give to any of the proprietors of the Territory so surveyed and ratified, a right to claim compensation from the Government for any deficiencies in the areas of the lots.

No claim for compensation.

3. This Act shall be deemed a Public Act.

Public Act.

shall be offered for sale at public auction ; but they shall be exempt from auction duties, and it shall not be necessary that they shall be sold by a licensed auctioneer ;

By a Bailiff.

Proviso : for redemption.

Condition of payment to purchaser.

Proviso : as to surplus of price.

As to hypothecs.

Surplus.

Contested claims.

6. At and on the place, day and hour fixed for the sale of the lots or parcels of land, the Secretary-Treasurer shall employ, to effect such sale, a bailiff residing in the said town of Berthier, who shall be specified to him by the said Council ; provided always, that all proprietors of real property, sold under the authority of this Act, shall be entitled to resume such property within one year from the day of such sale, on paying to the purchaser, the entire amount of the purchase money with legal interest thereon, and the amount of the necessary outlay made on such real property, by order of the said council in virtue of this Act ; upon the condition, however, that such purchaser shall have maintained the said property in the same state and condition in which it was at the time of the purchase, and shall neither have stripped it nor allowed it to deteriorate ; and, moreover, the costs incurred in making such sale, and ten per cent, besides the interest, both on the amount of the purchase-money and on the outlay aforesaid ; provided also, that if, after such sale of property, any surplus of money remains over and above the amount due to the said Council for assessment and costs, the said Secretary-Treasurer shall deposit such surplus, to whatever sum it may amount, in the funds of the said town as a loan, at interest at the rate of ten per cent per annum, until such money is demanded or reclaimed by those to whom it belongs, to whom such money shall be paid ; if, however at the time of the sale there exist any charge and hypothecary and privileged claim on the land sold, in whole or in part, the said council, after having ascertained the fact by the certificate of the Registrar of the County of Berthier, and after the expiration of the delay hereinbefore granted for the redemption of such land, shall by preference apply the said surplus money, both principal and interest, after deducting the costs incurred by the council, to the discharge of the said claims and charges, according to their respective order of priority in conformity with the law ; and then if any money still remains, it shall be returned and paid to the person or persons who were proprietors of the land at the time of sale, or to such other persons as may be entitled thereto ; but in case contestations should arise among the hypothecary creditors, and any doubt should exist as to their respective rights of priority or privileges, or between the latter or any of them, and the proprietor of the land sold with respect to such claims or charges, the said Council shall be entitled to retain, in whole or in part, the surplus remaining after the sale, after the said assessments and debts owing to the Corporation have been discharged, together with the costs incurred as aforesaid, until the rights of the parties shall have been decided upon by a Court of competent jurisdiction.

7. If the highest bidder does not, upon the day of sale, pay *Folle enchère.* the amount of the purchase money, the Secretary-Treasurer shall adjourn the sale to another day, not later than one week, by giving to all persons present notice of the adjournment of the sale in loud and intelligible language, and on the day of the sale so adjourned, the Secretary-Treasurer shall again offer the real property for sale, and shall sell it in whole or in part, unless, in the interval, the first purchaser shall have paid the amount of all the assessments and claims owing upon the real property;

8. Upon payment by the highest bidder of the amount of the purchase money, the Secretary-Treasurer shall give him a certificate under his hand, specifying the particulars of the sale, and the highest bidder shall then be seized of the lot or parcel of land adjudged, and may take possession thereof; *Certificate on payment.*

9. Every such certificate shall be in duplicate; one duplicate shall be given to the person who shall have paid the purchase money, and the other shall remain of record in the office of the Secretary-Treasurer; *In duplicate.*

10. Every such certificate or a copy thereof, certified by the Secretary-Treasurer, shall be evidence of the payment therein mentioned, and after having been registered at the office of the proper Registrar, shall insure to the person therein mentioned, his heirs, and assigns, a privilege and hypothec, taking precedence over all other claims against the lot or parcel of land so sold, for the reimbursement of the sum which shall be therein specified, with interest at the rate of six per centum per annum, reckoning from the date of the certificate, except over *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Act and the Acts amending the same; *Effect of registration of certificate.*

11. If, at the expiration of one year from the day of adjudication, the real property so adjudged has not been redeemed as hereinbefore mentioned, then the Secretary-Treasurer shall, on the application of the highest bidder, his heirs, representatives or assigns, and on proof of the payment of the arrears of all other assessments which shall have become payable in the interval, execute, in due notarial form, a contract of sale conveying, in the name of the corporation of the town, the property so adjudged to the highest bidder, his heirs or assigns; *Title deed if not redeemed in one year.*

12. Such contract of sale shall be a translatory title to such real property, and shall convey to the highest bidder not only all the primary rights of property, but shall also have the effect of liberating such real property from all privileges and hypothecs whatsoever with which it may be charged, with the exception of *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Acts and the Acts amending the same. *Effect of such deed.*

Additional By-laws.

37. The Town Council shall also have power to make by-laws for the following purposes :

Gaol or lock-up house.

1. For founding, establishing and regulating a town gaol or lock-up house for the confinement, from time to time, of persons transgressing the by-laws of the said Council, or found guilty of vagrancy or other misdemeanors ;

Water-courses.

2. To regulate and specify the direction of water-courses coming from other municipalities and passing within the limits of the said town ;

Local extent of By-laws for certain purposes.

3. All by-laws made by the said Council in relation to the preservation of public peace and order, and the duties and powers of the police shall be effectual and executory not only against any person for any offence committed within the limits of the said town, but also for any offence committed upon that part of the river forming the front boundary of the said town, or upon one-half of the part of the River St. Lawrence situated between the said town and Isle Randin or Isle de la Commune

Assessment may be remitted in certain cases.

38. The said Council shall have power to remit to indigent persons assessed under this Act, a portion or even the whole of the amount due for assessment in certain cases of fire, which the said Council shall deem reasonable and sufficient.

Penalties for infringing By-laws, how punishable, &c.

39. If any person shall transgress any order or rule or by-law made by the said Town Council, under the authority of this Act, such person shall for every such offence, forfeit the sum specified in any such order, rule or by-law, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender ; the offender shall be liable to be committed to the common gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court ; no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Berthier ; provided always, that the information and complaint for any breach of any order or by-law of the said Town Council shall be made within three months next after the time of the offence committed ; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council ; and the said Council shall also have power to punish, by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said Town, and infringing at the same time the by-laws of the said Council

Imprisonment.

Witnesses.

Proviso.

Exposing to sale, and infringing By-laws.

as regards the weight and quality of such goods, articles and provisions.

40. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said Town, by virtue of this Act, shall be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided that such privilege shall only apply to assessments which have become due within two years and no longer; and provided also that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and assessments shall be privileged debts.

41. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Secretary-Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the Town, unless otherwise provided by some other Provincial Act or Statute.

To whom penalties, &c., shall be paid.

42. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language, by reading the same at the door of the catholic church of the parish of Berthier, in the said District of Richelieu on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said Town.

By-laws, &c., to be published.

43. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may effect loans.

44. Whenever the said Council shall contract loans upon the credit of the said Town they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings Bank, annually and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund, shall remain deposited in such Savings Bank, with the interest

Duties of Council with respect to loans.

Sinking Fund.

Proviso: in certain cases no new loan to be contracted.

Proviso: investment of Sinking Fund.

Powers of constables in certain cases.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

Properties exempt from taxation.

which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and Sinking Fund united shall absorb one-half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues; and provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders, instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

45. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and such person shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

46. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; provided always, that it shall be lawful for the said Council or any such officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

47. The following property shall be exempt from taxation in the Town of Berthier:

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs and Successors;

2. All Provincial property and buildings;

3. Every place of public worship, presbytery and its dependencies, and every burying-ground;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments ;

7. Every Court House and District Gaol and the grounds attached thereto ; provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied under the Government, in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town, and such rates or assessments shall be paid by the said tenants or occupiers thereof.

Proviso : exemption not to extend to Crown property leased to private parties.

48. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council.

Certificates for tavern licenses to be granted by Council only.

49. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Limitation of action for things done under this Act.

50. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice, and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

Encroachments on public streets or squares.

51. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the

Penalty for granting false receipts for

the

rent in order to lessen taxes. the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said Town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may prevent re-erection of buildings in certain cases.

52. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house ; and it shall be lawful for the Council to purchase such part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing ; and the said arbitrators, in case of difference of opinion, shall appoint a third, and the said arbitrators, having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor ; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may acquire lands for certain purposes.

53. The said Council shall have full power to purchase and acquire out of the revenues of the said Town, all such lots, lands, and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in cases of disagreement as to the value of property taken for town purposes.

54. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *sous puissance de maris*, the said Council, after sufficient notice given to the said proprietor, may apply to the Circuit Court sitting in and for the County of Berthier, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third ; and such arbitrators, before proceeding to such valuation, shall give to the said Council and the said proprietor sufficient notice of the day, hour and place when they

2. The County of Peel shall be and is hereby exonerated and discharged from the payment of the purchase money, and every part thereof, of the said York Roads, and no rate or tax shall be assessed, levied or made in the said County of Peel, on any rateable property in the said County of Peel, for the said purchase money or any part thereof, nor shall the County of Peel be, in any other manner, liable for the said York Roads.

County of Peel exonerated from payment of purchase money of roads.

3. The whole of the said purchase money of the said York Roads shall be paid to Her Majesty by the said County of York alone, and shall be assessed, raised and levied, when required, upon the rateable property in the County of York alone; and all agreements, by-laws and debentures, made by the said United Counties of York and Peel in respect to the purchase of the said Roads, and for the payment of the purchase money therefor, shall be deemed and taken to be, and they are hereby declared to be, the agreements, by-laws and debentures of the County of York alone, and shall be as valid and binding upon the said County of York as if they had been made by the County of York alone.

The whole of such money to be paid by County of York.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X .

An Act to authorize the Town of St. Mary's to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been provided.

[Assented to 18th September, 1865.]

WHEREAS the corporation of the Town of St. Mary's have petitioned to be authorized to issue a certain number of debentures for the purpose of redeeming the outstanding debentures of the said Town, for which no sinking fund has been provided, and which debentures were issued under several by-laws, numbered respectively One, Two and Three; number One passed on the sixteenth day of June, one thousand eight hundred and fifty-six, for the purpose of building a school-house, for making side-walks, grading streets, and building bridges; number Two passed on the twenty-fifth day of July, one thousand eight hundred and fifty-seven, for the purchase of a fire-engine, for a school-house, and for other public purposes; and number Three, passed on the twenty-seventh day of February, one thousand eight hundred and fifty-eight, for the purpose of taking stock in the St. Mary's and Exeter gravel road; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Corporation of the Town of St. Mary's may pass a by-law or by-laws for authorizing the issue of debentures of the said

New debentures may be issued to

For voting.
without quali-
fication.

4. Any person who shall vote at any election of Councillors without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

On inspectors
of roads for
neglect of
duty.

5. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence ;

Penalties for
hindering
officers in the
performance of
their duties.

6. Every person, who shall hinder or prevent, or attempt to hinder or prevent any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars, for every such offence, over and above any damages which he may be liable to pay ;

Persons de-
facing notices,
&c.,

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalties how
to be recovered.

56. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court in and for the County of Berthier or before any Justice of the Peace residing in the said Town by a suit or action brought by the Mayor or a Councillor in the name of the Corporation ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Public Act.

57. This Act shall be deemed a Public Act.

C A P. L X I I .

An Act to amend the Act for the erection of the Municipality of Kingsey Falls.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS certain inhabitants of the Township of Kingsey have, by petitions, prayed for amendments to the Act to erect the new Municipality of Kingsey Falls : Therefore, Her Majesty, by and with the advice and consent
of

to be levied in each year, and over and above the interest to be payable on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose.

6. The Council shall, and it shall be the duty of the Treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may by Order in Council direct, and all dividends or interest on the said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act.

Investment of such rate as a Sinking Fund.

7. The provisions of the two hundred and twenty-fourth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting Municipal Institutions, or any provision in the said chapter inconsistent with this Act, shall not apply to this Act nor to any by-law or by-laws to be passed under the authority thereof.

Sect. 224 of municipal Act of U. C. not to apply.

8. The proceeds of the debentures aforesaid, shall be applied to the redemption of the debentures issued by the town, and the payment of interest accruing as stated in the first section of this Act, as they respectively fall due, and for no other purpose whatever.

Application of proceeds of debentures.

9. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I .

An Act to amend the Act incorporating the Village of Mitchell, in the County of Perth.

[Assented to 18th September, 1865.]

WHEREAS the Corporation of the Village of Mitchell, in the County of Perth, incorporated by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and eight, have, by their petition, prayed that the said Act be amended, by reducing the limits of the said village, in the manner hereinafter mentioned, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the last day of December, in the present year of our Lord, one thousand eight hundred and sixty-five, lots numbers eleven, twelve and twenty, in the first concession of the township of Logan, and lots numbers eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty, in the second concession of the said township, shall

Certain lots detached from Village of Mitchell and re-attached to Township of Logan.

CAP. LXIV.

An Act to confirm a Survey of a portion of the Township of Ely, in the County of Shefford.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it appears, by the petition of certain proprietors and occupants of land in the Township of Ely, in the County of Shefford, in Lower Canada, that the original Survey of the said Township was changed in the year one thousand eight hundred and forty-three, by a new Survey made, of a certain portion thereof, by Oliver Wells, Esquire, Provincial Land Surveyor, and that parties have bought and sold lands, and that settlements and improvements have been made according to the Survey so made by the said Oliver Wells, and that the Municipal Council of the said Township has laid out and made roads on the range and division lines established thereby; and whereas the petitioners further represent that Robinson Oughtred and Michael Mitchell, Esquires, Provincial Land Surveyors, have recently examined and verified, and prepared a report and plan of the alterations in the original Survey so made by the said Oliver Wells, and have prayed that the Survey so made by the said Oliver Wells, as verified and set forth by the plan and report thereof, made by the said Robinson Oughtred and Michael Mitchell may be legalized, confirmed and established, by authority of the Legislature, as the true Survey of that part of the Township affected thereby, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Survey made by Oliver Wells, in 1843, as modified by Oughtred and Mitchell confirmed.

1. The Survey of that part of the Township of Ely, in the County of Shefford, which was made by Oliver Wells, Esquire, Provincial Land Surveyor, in the year one thousand eight hundred and forty-three, as modified and established by the plan and report thereof, made by Robinson Oughtred and Michael Mitchell, Provincial Land Surveyors, and also the proposed boundary lines and limits designated on the said plan by the dotted lines marked A, B and C, shall be and they are hereby declared to be the true and unalterable Survey of that part of the Township of Ely, to which the said plan and report relate; and the monuments planted by the said Provincial Land Surveyor, Oliver Wells, as indicated in the plan of the said Survey made by the said Robinson Oughtred and Michael Mitchell, to designate the limits and angles of the respective lots in the said portion of the Township of Ely, shall be and they are hereby declared to be the true and unalterable limits and angles of the respective lots therein, any law, usage or custom to the contrary notwithstanding; and one copy of the report and plan, made by the said Robinson Oughtred and Michael

Michael Mitchell, of the said survey made by the said Oliver Wells, shall be deposited in the Office of the Commissioner of Crown Lands, and another copy in the Office of the Registrar for the County of Shefford.

3. But no proprietor in the said Township shall be entitled to claim indemnity from the Commissioner of Crown Lands for any deficiency of lands occasioned by the operation of this Act.

No claim
against Crown
Lands allowed.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X V .

An Act to facilitate the separation of the County of Renfrew from the County of Lanark.

[Assented to 18th September, 1865.]

WHEREAS the County Council of the United Counties of Lanark and Renfrew and the Provisional Council of the County of Renfrew, have prayed for the passing of an Act to relieve the Provisional Council of Renfrew from the delay which will arise in the complete separation of the County, in consequence of the non-completion of the county buildings ; And whereas the said buildings are partially erected, and are expected to be completed by the first of December next ; and it is expedient to grant the prayer of the petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. So soon as the Provisional Council of the County of Renfrew shall have provided the necessary public buildings at the county town to the satisfaction of the Governor in Council, and shall have entered into an agreement with the County of Lanark, for the payment to the said county of such part of the debt of the said United Counties of Lanark and Renfrew, if any such there be, as may be just, and for the determining the amount to be so paid and the times of payment, the Governor shall have authority to appoint the necessary officers and to issue a Proclamation declaring the said union dissolved, upon, from and after a day to be named therein ; Provided always, that the aforesaid agreement may be entered into before the said public buildings are provided, notwithstanding anything to the contrary in chapter fifty-four of the Consolidated Statutes for Upper Canada ; and provided further that the Consolidated Municipal Loan Fund liability of the said Counties and any agreement relating thereto, if such shall be entered into, shall be regulated by the provisions of the Statutes in that behalf.

So soon as
County build-
ings are pre-
pared, &c., Go-
vernor may
dissolve union
of Lanark and
Renfrew.

Proviso.

Cap. 64 Con.
Stat. U. C. to
apply.

2. The several provisions contained in the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada*, and applicable to the separation of a junior county from a senior county, except in so far as the same require and provide that such separation shall take effect on the first day of January next after the end of three months from the date of the Proclamation, are hereby declared to have applied and to apply to the separation of the County of Renfrew from the County of Lanark, and the provisions of chapter thirty-one of the Consolidated Statutes for Upper Canada, respecting jurors and juries, in relation to the preparation of jurors' books, upon the dissolution of any union of Counties, and generally the provisions of any Act or Acts amending the aforesaid Acts or in anywise relating to proceedings consequent upon such dissolution, shall apply to the separation of the Counties of Lanark and Renfrew effected in pursuance of this Act.

And cap. 31 as
to jurors.

Public Act.

3. This Act shall be deemed a Public Act.

C A P. L X V I.

An Act to facilitate the separation of Huron and Bruce, and to appoint Walkerton the County Town of the County of Bruce.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS doubts and difficulties have arisen, which make it expedient and necessary to make better provision for the separation of the United Counties of Huron and Bruce, and to appoint a County Town for the County of Bruce: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

27 & 28 Vic., c.
77, repealed.

1. The Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter seventy-seven, is hereby repealed, but all Acts repealed by the said Act shall, nevertheless, remain repealed.

By-law ap-
pointing Build-
ing Committee
in Bruce legal-
ized.

2. The By-law of the Provisional Council of the County of Bruce, passed on the twenty-second day of February, one thousand eight hundred and sixty-five, appointing a Building Committee to proceed with the erection of County buildings at Walkerton, and all acts, proceedings and expenditures done, taken and made in pursuance thereof, are hereby legalized and declared valid, notwithstanding any proceeding taken or had to quash or set aside the said By-law, and the appropriation of the sum of six thousand pounds provided by By-laws of the said Council for the erection of County buildings, (which By-laws, and all debentures issued under such By-laws, shall be good

good and valid to all intents and purposes,) shall be applied towards the erection of County buildings at Walkerton, which is hereby declared to be the County Town of and for the said County of Bruce.

Walkerton to be the County Town.

3. Notwithstanding anything to the contrary contained in the forty-sixth and subsequent sections of Chapter fifty-four of the Consolidated Statutes for Upper Canada, the said Provisional Council may, before the said County buildings are completed, enter into an agreement with the County of Huron for the payment of such part of the debts of the Union as may be just, and for determining the amount to be paid and the times of payment; and such agreement shall be made in the manner provided in such cases in the said chapter fifty-four of the Consolidated Statutes for Upper Canada, and shall have the same effect as if made after the completion of the County buildings.

Agreement may be made between Huron and Bruce for payment of the debt of the United Counties.

4: It shall be lawful for the Governor in Council at any time after the passing of this Act, on being satisfied that the accounts between the said Counties have been adjusted, that the Gaol for the County of Bruce has been completed, and that the Court House is in course of erection, and adequate temporary accommodation provided by the said Provisional Council for holding the courts for the said County of Bruce, and without its being requisite that the County Court House should be first completed, to separate the County of Bruce from the County of Huron, by Proclamation, and such separation shall take effect from and after a day to be named therein, notwithstanding anything to the contrary in the fifty-first section of the Act last above cited.

Proclamation for separation may be issued when to take effect.

5. The provisions of chapter thirty-one of the Consolidated Statutes for Upper Canada, in relation to the preparation of Jurors' Books, upon the dissolution of any union of Counties, and generally the provisions of any Act or Acts in anywise affecting or relating to the proceedings consequent upon such dissolutions, shall apply to the separation of the Counties of Huron and Bruce, effected in pursuance of this Act.

Application of law, respecting jurors.

6. The said Provisional Council of the County of Bruce, shall pay all such costs as between solicitor and client, and charges and expenses incurred by the plaintiffs or relators, in reference to any legal proceedings before the passing of this Act, as shall be taxed by the public officers against the said Provisional Council, by reason of their having passed or acted upon the By-law hereby confirmed, or their having proceeded to erect the said County buildings at Walkerton as aforesaid, or by reason of any thing done by the said Council, and hereby legalized, and all such proceedings shall be stayed, and shall not be further proceeded with after the passing of this Act.

Costs on certain legal proceedings to be paid by Bruce.

Proceedings stayed.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. LXVII.

An Act to legalize certain By-laws and Debentures of the County of Victoria.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS doubts have arisen as to the legality of certain By-laws of the Corporation of the County of Victoria, authorizing the raising of certain sums of money for purposes therein mentioned, by the issue of Debentures, and as to the validity of the Debentures issued under and by virtue of such By-laws, and it is necessary and expedient in the interests of the public and the holders of such Debentures, that all such doubts should be removed, and that all the said By-laws and the Debentures issued under them should be legalized and made valid : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Certain by-laws of the County of Victoria declared valid and binding.

1. For and notwithstanding all such doubts as aforesaid, and any irregularities in the passing thereof, or in matters preliminary to such passing, or any insufficiency at law either in form or substance, the following By-laws of the Corporation of the County of Victoria, namely : By-law number two, intituled : " A By-law to raise, by way of loan, the sum of twenty thousand dollars, for purposes therein mentioned ; " By-law number five, intituled : " A By-law to raise, by way of loan, twenty thousand dollars, for purposes therein mentioned ; " By-law number twelve, intituled : " A By-law to raise, by way of loan, twenty thousand dollars, for purposes therein mentioned ; " and By-law number thirty-eight, intituled : " A By-law to raise, by way of loan, the sum of sixteen thousand dollars, for certain purposes therein mentioned, " are hereby legalized and made valid and binding upon the said Corporation and all parties concerned therein ; and the same and each of them shall be held to have been good and valid from the time of the passing thereof, respectively ; and all assessments, levying and collecting of rates, and payments made, and all Debentures issued, and proceedings and dealings heretofore made and had or hereafter to be made, had or taken under all or any or either of the said By-laws, are also hereby legalized and made valid.

And also all assessments, Debentures issued and proceedings had in virtue thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXVIII.

An Act to legalize certain Assessments in the City of Toronto and to enable the said City to recover the Taxes rated and charged.

[Assented to 18th September, 1865.]

WHEREAS the Corporation of the City of Toronto have, Preamble.
by their petition, set forth, that certain persons owning unoccupied lands within the said City, but not resident therein, were, during the year one thousand eight hundred and fifty-seven and subsequent years, placed on the Assessment Rolls without their assent, and in consequence thereof the taxes rated and charged against such unoccupied lands cannot be recovered by law; and whereas such lands should have been assessed as lands of non residents; and whereas the said Corporation have prayed that the said assessments be legalized, so that the said lands may be liable for the taxes so rated and charged as aforesaid; and whereas it is reasonable and proper to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For and notwithstanding anything in the assessment law contained, every assessment informally made in the City of Toronto as hereinbefore recited of lands of non-residents in the year one thousand eight hundred and fifty-seven, and each subsequent year to the year one thousand eight hundred and sixty-four inclusive, and the assessment rolls relating thereto, are hereby declared to be legal and valid, and the lands and property so assessed to be liable for the assessment so made and hereby legalized; Provided always that the Corporation of the City of Toronto shall cause notice to be transmitted by post on or before the first day of January one thousand eight hundred and sixty-six, to every person so informally assessed, stating the yearly value at which his real property, and the sum at which his personal property or income has been assessed, and that the same may be appealed under the provisions of the assessment law, before the Court of Revision for the year one thousand eight hundred and sixty-six, and thereupon the Court of Revision, and the Judge of the County Court are hereby authorized and empowered, to proceed on the trial of such appeals, as if such assessments were on the assessors roll for the current year, and after the same has been finally revised, the clerk of the corporation of the said city shall make up and deliver to the collector a separate supplemental roll in which he shall enter the lands so informally assessed as aforesaid, but pursuant to the mode prescribed by the assessment law, and thereafter and upon receipt of such roll, the collector shall proceed to collect the taxes therein mentioned, as if the same were

Assessment Rolls from 1857 to 1864, confirmed.

Proviso, notices to be sent by post to parties informally assessed.

Appeal allowed.

Collection of rates.

**Proviso : sales
for taxes.**

Proviso.

were a collectors roll of taxes due by non-residents, and the corporation of the City of Toronto shall in respect thereof have all the rights and powers, as are by the assessment law given in respect to the collection of taxes due by non-residents ; and the provisions of all the assessment laws of this Province in respect to the assessment of lands or property of non-residents, shall apply to the lands and property so informally assessed as aforesaid ; Provided always, further, that the period of time after which any such lands may be sold for taxes, under any law of this Province shall commence and be computed, as if the said lands had severally been assessed in the year one thousand eight hundred and sixty-six ; Provided also that this Act shall not affect any lands which have been sold and conveyed by the owners thereof after the assessment as aforesaid and before the passing of this Act.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . L X I X .

An Act to vest the York Roads in the County of York, and to relieve the County of Peel from all liability therefor.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the County Council of the United Counties of York and Peel became the purchasers, from Her Majesty, of the Roads within the said United Counties commonly called and known as the York Roads, for the sum of seventy-two thousand and five hundred dollars :

And whereas since the said purchase the said County of Peel has been separated from the said County of York, and both of the said Counties have petitioned that the said York Roads may be vested absolutely in the County of York, and that the County of Peel may be completely exonerated from the payment of, and all liability for, the said purchase money, and it is desirable to grant the prayer of the said petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

**York Roads
vested in Coun-
ty of York.**

1. The roads commonly called and known as the York Roads, purchased from Her Majesty by the County Council of the late United Counties of York and Peel, with all the tolls, rights, franchises, privileges, easements and appurtenances thereto belonging, shall be and are hereby vested absolutely in the County of York, free from all claim of the County of Peel, as fully and effectually as if the said York Roads had been purchased from Her Majesty by the County of York alone.

2. The County of Peel shall be and is hereby exonerated and discharged from the payment of the purchase money, and every part thereof, of the said York Roads, and no rate or tax shall be assessed, levied or made in the said County of Peel, on any rateable property in the said County of Peel, for the said purchase money or any part thereof, nor shall the County of Peel be, in any other manner, liable for the said York Roads.

County of Peel
exonerated
from payment
of purchase
money of roads.

3. The whole of the said purchase money of the said York Roads shall be paid to Her Majesty by the said County of York alone, and shall be assessed, raised and levied, when required, upon the rateable property in the County of York alone; and all agreements, by-laws and debentures, made by the said United Counties of York and Peel in respect to the purchase of the said Roads, and for the payment of the purchase money therefor, shall be deemed and taken to be, and they are hereby declared to be, the agreements, by-laws and debentures of the County of York alone, and shall be as valid and binding upon the said County of York as if they had been made by the County of York alone.

The whole of
such money
to be paid by
County of
York.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X .

An Act to authorize the Town of St. Mary's to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been provided.

[Assented to 18th September, 1865.]

WHEREAS the corporation of the Town of St. Mary's have petitioned to be authorized to issue a certain number of debentures for the purpose of redeeming the outstanding debentures of the said Town, for which no sinking fund has been provided, and which debentures were issued under several by-laws, numbered respectively One, Two and Three; number One passed on the sixteenth day of June, one thousand eight hundred and fifty-six, for the purpose of building a school-house, for making side-walks, grading streets, and building bridges; number Two passed on the twenty-fifth day of July, one thousand eight hundred and fifty-seven, for the purchase of a fire-engine, for a school-house, and for other public purposes; and number Three, passed on the twenty-seventh day of February, one thousand eight hundred and fifty-eight, for the purpose of taking stock in the St. Mary's and Exeter gravel road; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Corporation of the Town of St. Mary's may pass a by-law or by-laws for authorizing the issue of debentures of the said

New debentures may be issued to

redeem those
outstanding
under certain
By-laws.

said town, for a sum not exceeding in the whole thirty thousand dollars, to redeem certain debentures, issued under the aforesaid by-laws passed in the years one thousand eight hundred and fifty-six, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and numbered in the books of the corporation One, Two and Three, and falling due as follows:

£5,000 in the year 1866.

£1,500 in the year 1868.

£1,000 in the year 1873.

Not to be
subject to sect.
234 of municipi-
pal Act U. C.

And it shall not be necessary with respect to any such by-law, to comply with the provisions of section two hundred and twenty-four of Chapter fifty-four of the Consolidated Statutes for Upper Canada, which requires the assent of the electors of the Municipality; and the corporation may repeal the said by-laws, numbered One, Two and Three, so far as regards the levying of rates imposed by such by-laws, for the redemption of such original debentures and the payment of interest on the same.

Form, period of
payment, rate
of interest, &c.

3. The debentures to be issued under the preceding section of this Act, shall be made payable not more than twenty years after the date thereof, and at such place or places in this Province, and shall be for such sum or sums not less than one hundred dollars each, and in provincial or other currency, and shall bear interest at such rate, not exceeding eight per cent. per annum, as the corporation of the town may think fit.

Loan on said
Debentures.

3. The corporation of the said Town may raise, by way of loan, upon the credit of the said debentures to be issued under the first section of this Act, a sum of money not exceeding in the whole the sum of thirty thousand dollars, and a rate of interest not greater than eight per centum per annum may be received thereon and be payable thereby.

Treasurer to
call in outstanding
debentures.

4. The Treasurer of the Corporation shall, on receiving instruction so to do from the Council, call in such outstanding debentures and liabilities mentioned in the Preamble of this Act, and shall discharge the same with the funds raised upon the debentures issued under the by-law to be passed under the provisions of this Act, or may substitute therefor the said Debentures, or any of them hereby authorized to be issued under the by-law to be passed under the provisions of this Act, as may be agreed upon between the Corporation and the holders of such outstanding debentures, or other the said creditors of, or claimants upon, the corporation.

Special rate for
payment of
debentures
under this Act.

5. For payment of the debentures to be issued under the by-law to be passed under the provisions of this Act, the Council shall, and they are hereby required to impose a special rate per annum (over and above, and in addition to, all other rates

to be levied in each year, and over and above the interest to be payable on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose.

6. The Council shall, and it shall be the duty of the Treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may by Order in Council direct, and all dividends or interest on the said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act.

Investment of such rate as a Sinking Fund.

7. The provisions of the two hundred and twenty-fourth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting Municipal Institutions, or any provision in the said chapter inconsistent with this Act, shall not apply to this Act nor to any by-law or by-laws to be passed under the authority thereof.

Sect. 224 of municipal Act of U. C. not to apply.

8. The proceeds of the debentures aforesaid, shall be applied to the redemption of the debentures issued by the town, and the payment of interest accruing as stated in the first section of this Act, as they respectively fall due, and for no other purpose whatever.

Application of proceeds of debentures.

9. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X I.

An Act to amend the Act incorporating the Village of Mitchell, in the County of Perth.

[Assented to 18th September, 1865.]

WHEREAS the Corporation of the Village of Mitchell, in the County of Perth, incorporated by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and eight, have, by their petition, prayed that the said Act be amended, by reducing the limits of the said village, in the manner hereinafter mentioned, and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. From and after the last day of December, in the present year of our Lord, one thousand eight hundred and sixty-five, lots numbers eleven, twelve and twenty, in the first concession of the township of Logan, and lots numbers eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty, in the second concession of the said township, shall

Certain lots detached from Village of Mitchell and re-attached to Township of Logan.

Certain lots detached from Village of Mitchell and re-attached to Township of Fullarton.

shall cease to form part of the municipality of the said Village of Mitchell, and shall be re-annexed to and form part of the municipality of the said Township of Logan; and the lots numbers twenty-one, twenty-two and thirty, in the first concession of the Township of Fullarton, and lots numbers twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty, in the second concession of the said township, shall cease to form part of the municipality of the said Village of Mitchell, and shall be re-annexed to and form part of the municipality of the said Township of Fullarton, anything in the second section of the Act cited in the preamble to this Act to the contrary notwithstanding.

Recital.

2. And whereas the said corporation have further represented, that previously to the incorporation of the said village, a debt was incurred by the said township of Logan, and that by a Deed of Settlement between the corporation of the said village and that of the said township, bearing date the fifteenth day of December, one thousand eight hundred and fifty-seven, the corporation of the said village assumed the payment of five hundred dollars a year to the corporation of the said township, for nineteen years, as the share of the corporation of the said village in the said debt; and that the share so assumed was based upon the fact that two thousand acres of the lands of the said township had become included in the said village; and whereas, after the limits of the latter are altered in the manner mentioned in the preceding section, only seven hundred acres of the said lands will be within the village, and they have therefore prayed that the share of the said village in the said debt may be reduced accordingly, which prayer it is right to grant: therefore, at any time after the passing of this Act, the corporation of the said village, and the corporation of the said township of Logan, may each, by resolution, appoint an arbitrator, for the purpose hereinafter mentioned, and if either of them appoint such arbitrator, and the other does not, within five days after notice of such appointment, appoint its arbitrator, the Judge of the County Court, for the county of Perth, shall appoint such arbitrator, on the application of the other corporation, and the two arbitrators appointed as aforesaid, shall appoint a third, or if they cannot agree on such appointment, the said Judge, on the application of either, after five days' notice to the other, shall appoint such third arbitrator, and the said arbitrators shall determine the share of the said debt to be assumed by the said corporation of the village of Mitchell, and the mode and terms of payment of such share, and the award of the said arbitrators, or of any two of them, shall be final and conclusive, and shall bind the said corporation; and the said deed of settlement shall cease to have effect from and after a day to be named in such award, which shall be notified to each of the said corporations by the arbitrators concurring therein.

Corporation of Village and Township to appoint arbitrators.

Appointment of third arbitrator.

Award.

Public Act.

3. This Act shall be deemed a Public Act.

C A P .

CAP. LXXII.

An Act to establish certain Road Allowances and Highways in the Township Hamilton.

[Assented to 18th September, 1865.]

WHEREAS the Municipal Corporation of the Township of Hamilton, in the County of Northumberland, have petitioned to have certain road allowances and highways, within the said township, established by law, irrespective of the original survey, and it is deemed advisable to grant the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. It shall be lawful to and for the Corporation of the Township of Hamilton, within one year after the passing of this Act, to direct a survey of Concessions A and B, and the first, second and third Concessions of the said Township of Hamilton to be made according to law by Edward C. Caddy, of the Town of Cobourg, Provincial Land Surveyor, and in case of his death or inability to make the same, by some other competent Provincial Land Surveyor, for the purpose of ascertaining the true courses and positions of such of the allowances for roads in the said concessions, over which the said Corporation has jurisdiction and control, and of the division lines between the several lots in the said concessions.

Municipal Council of Hamilton to cause a survey to be made of certain concessions.

2. The several road allowances in the said concessions (except those within the limits of the Town of Cobourg) as travelled in January, one thousand eight hundred and sixty-three, and improved by statute labor or otherwise, shall be marked with proper cut-stone monuments at the front and rear angles thereof, by the said Caddy, and in case of his inability or death as aforesaid, by some other competent Surveyor, and shall thereafter be taken to be and to have been the true and unalterable Government allowances and public highways, and shall be marked, if they are not now, one chain in width between the several lots whether the same are or are not parallel to the governing lines of the several concessions.

Road allowances travelled in Jan., 1863, to be deemed to be the true allowances.

3. The true position of the allowances for roads in the said concessions (except as aforesaid) not now opened throughout and travelled upon, shall be likewise ascertained and marked by the said Caddy, with proper cut-stone monuments placed as aforesaid, as also the true and correct position of the division lines between the said lots; and the same shall thereafter be taken to be and to have been the true and unalterable allowances and lines and boundaries of the said lots, notwithstanding any occupation or possession thereof, or any part thereof, by any

True position of allowances not now open to be ascertained.

Proviso: as to those partly opened.

any person or persons, any law, usage or custom to the contrary; Provided always, that the allowance or allowances for roads which are now partly opened may, if all parties interested consent, be marked and established throughout by the said Surveyor, on the same course and bearing as the part opened, in which event they shall be taken to be and to have been the true and unalterable allowance or allowances.

Surveyor to make reports and maps.

4. After the completion of the said survey, the said Caddy, or such other competent person, shall make reports and maps thereof, one of which shall be filed in the office of the Commissioner of Crown Lands and the other in the Registry Office of the United Counties of Northumberland and Durham.

Indemnity to owners of lands, when travelled roads are not upon the true original allowance, to be assessed by surveyor.

5. Should it appear, upon such survey made as aforesaid, that the now travelled and improved roads, and which are not to be interfered with, except to be made one chain in width, if not so now, or the course thereof altered,—are not upon the true line of the original allowance for roads in the said concessions or either of them, but wholly or in part upon some one lot or lots, the strip of land between the said travelled roads and the true allowances, together with that part of the true allowance not used for a road, shall be ascertained, and the value thereof assessed by the said Caddy, which shall be paid to the party or parties injured or prejudiced by the said travelled roads, by the owner or owners of the lot or lots adjoining (to which the said strip and road are hereby declared to belong and to be a part thereof) within two years from the date of the notice to be given by the said Caddy, as in this section hereinafter mentioned, with interest thereon after the rate of six per cent. per annum; Provided always, that the said Caddy, or such other competent Surveyor, before he shall assess the value as aforesaid, shall give notice in writing of the time and place when the said assessment shall take place twenty days prior thereto, to the owner or owners of the said lots adjoining the said travelled road or to his or their personal representative or representatives, either by causing the same to be served personally upon him, her or them, or left at his, her or their last or most usual place of abode in this Province.

Proviso: notice to be given.

Mode of proceeding with and recovering the assessment.

6. In case the said party or parties, or his, her or their representatives as aforesaid, shall not object to the assessment as aforesaid of the said Caddy, by notice in writing to be served upon him or left at his usual place of abode, within ten days after the service upon him, her or them, of his intention to proceed with such assessment, it shall and may be lawful for the said Caddy to proceed therewith, and his decision and assessment in writing to be served upon each of the said parties as aforesaid, or his, her or their said representatives, shall be final and binding upon all parties concerned, and the amount of the said assessment shall and may be recovered as a debt after the time of payment thereof, as above mentioned, has elapsed

elapsed (if unpaid) in any Court having competent jurisdiction, against the party or parties adjudged by him to pay the same, upon evidence only that the paper containing the said value and assessment was signed by the said Caddy and served as aforesaid, and until payment thereof, the said assessment, which or a copy whereof may be filed in the Registry Office of the West Riding of the County of Northumberland, shall be a charge and lien on the said strip and road.

7. If either or both of the said parties, his, her or their representative or representatives as aforesaid, shall object in writing within the said ten days, to the assessment being made by the said Caddy alone, and shall appoint and name an arbitrator or assessor to act for him, her of them, and give notice thereof in writing to the said Caddy or such other competent Surveyor, in the form mentioned in the Schedule A, to this Act annexed, marked number one, within the said ten days, the said Caddy or such other person who is hereby appointed one of the arbitrators or assessors to act with the other or others, shall, within ten days after service upon him as aforesaid, of the said notice or notices or the last of them, appoint in writing a time and place (of which each of the said parties or his, her or their representative or representatives as aforesaid, shall have four days' notice) to proceed with the assessment or arbitration, at which time the same shall be proceeded with, unless upon good cause, the said Caddy, or such other competent person, sees fit to put off the same, which he is hereby empowered to do from time to time, and upon such terms as to him shall seem just, and the award or assessment in writing of the said arbitrators or assessors, or any two of them, shall be final and binding upon all parties concerned, and the amount thereof, together with such costs to be specified therein as the said arbitrators or any two of them may allow, shall be paid by the party or parties adjudged to pay the same, within the time mentioned in section five of this Act, and if not then paid the same may be recovered as aforesaid, upon proof only of the execution of the said award or assessment by the said arbitrators or assessors or any two of them, and until paid, the amounts mentioned therein shall be a charge or lien upon the said strips, if filed in the said Registry Office as aforesaid.

Party to be assessed may appoint an arbitrator to act for him.

Mode of proceeding when a joint assessor is appointed.

Award and how enforced.

8. The said Caddy or such other competent Surveyor, upon tender by either of the said parties, his, her or their representative or representatives, of the costs and expenses attending the obtaining of the same, is hereby empowered to cause a subpoena or subpoenas *ad testificandum* or *duces tecum* to be issued out of either of the Superior Courts of Common Law at Toronto, requiring the witnesses to be named therein to appear before him at such time and place as shall be mentioned therein, and any witness or witnesses served therewith as in ordinary cases, and disobeying the same, shall be guilty of contempt of the Court out of which the said subpoena or subpoenas may issue, and may be examined

Mode of summoning witnesses.

examined under oath, which the said Caddy or such other competent person, is hereby authorized to administer ; Provided always, that any person whose attendance shall be required, shall be entitled to the like conduct money and payment for expenses for loss of time, as for and upon attendance at any trial of a cause in the said courts.

Corporation to
levy a rate to
defray expense
of survey.

9. The corporation of the said Township shall impose and levy a rate upon the freeholders of the said concessions in proportion to the quantity of land held by them in such concessions, in the same manner as a rate for any sum required for any other local purpose authorized by law, may be imposed and levied for the purpose of defraying the expense of such survey, maps, reports and monuments.

Boundaries
fixed under this
Act to be taken
to the original
boundaries.

10. The several allowances for roads and division lines between lots, when the monuments aforesaid shall have been placed as directed by this Act, shall be taken to be and to have been the original boundaries of the lots in each of the said concessions, whether the same, upon admeasurement, be found to contain the exact width or more or less than the exact width expressed in any letters patent, grant or other instrument, in respect of the said lots or any or either of them, and every patent, grant or instrument, purporting to be for any aliquot part of the said lots or any of them shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument, any law, usage, or custom, to the contrary, in any wise, notwithstanding.

Assessment to
be made within
three months of
date of notice.

11. The assessment or award mentioned in the preceding sections of this Act, shall be made within three months from the date of the notice mentioned in the proviso to the fifth section of this Act.

Public Act.

12. This Act shall be deemed a Public Act.

SCHEDULE A.

No. 1.

To E. C. Caddy, Esquire,
P. L. S.

Take notice that I object to your assessing the value of the land mentioned in your notice served upon me on the day of _____ and I hereby appoint _____, of _____, my arbitrator or assessor, and agree to abide by and keep the assessment or award in reference to the said lands to be made in pursuance of *An Act to establish certain road allowances and highways, in the Township of Hamilton.*

(Signed)

Dated.

CAP. LXXIII.

An Act to amend the Acts relating to the Bank of Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS the Shareholders of the Bank of Upper Canada, Preamble.
at their Annual General Meeting, held on the Twenty-sixth day of June, in the year of our Lord one thousand eight hundred and sixty-five, resolved that application should be made to the Parliament of this Province for certain amendments in the Acts of the said Parliament, under which the said Bank is now carrying on its business, and a Petition hath been presented praying that such amendments may be made, and it is expedient that the prayer of the said Petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. So much of the Seventh Section of the one hundred and twenty-first chapter of the Nineteenth and Twentieth Victoria, intituled : *An Act to amend and consolidate the Acts forming the charter of the Bank of Upper Canada*, as fixes the Twenty-fifth day of June in each year for the day of the Annual General Meeting of the Shareholders of the said Bank, is hereby repealed ; and such Annual General Meeting shall hereafter take place on the Twenty-first day of June in each year (except when that day shall be a Sunday or a legal holiday, and then on the next day which shall not be a Sunday or legal holiday,) beginning in the month of June, in the year of our Lord, one thousand eight hundred and sixty-six. Charter amended as to day of annual General meeting.

2. So much of the Seventeenth Section of the said Act as provided that no Shareholder shall, at the meeting of the Shareholders of the said Bank, be entitled to give a greater number of votes than twenty, is hereby repealed ; and from and after the passing of this Act, each and every Shareholder, being a natural-born or naturalized subject of Her Majesty, shall be entitled at such meetings to give one vote for every ten shares above one hundred shares which he or she may own, provided he or she shall have held the same for three calendar months immediately prior to such meeting. Charter amended as to proportion of votes to shares.

3. The Second Section of chapter Sixty-three of Twenty fifth Victoria, intituled : *An Act further to amend the charter of the Bank of Upper Canada*, is hereby repealed ; and the time for subscribing for new shares of the Capital Stock of the said Bank is extended until two years after the passing of this Act, and for wholly paying up the said shares until three years after the passing of this Act ; and if such new shares be not subscribed for and paid within the periods aforesaid, the paid up Charter amended as to time for subscribing for new shares of stock.

up Capital Stock of the said Bank shall be fixed and remain at such sum as shall then have been actually subscribed and paid for.

Power to reduce number of Directors.

4. The shareholders of the said Bank may in their discretion, if they see fit so to do, by resolution adopted at any general or special meeting, reduce the number of the Directors of the said Bank to any number not less than seven; and after the passing of any such resolution a majority of such reduced number of Directors shall be a quorum.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . L X X I V .

An Act to incorporate the Bank of Northumberland.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS George Elias Jones, John C. Field, C. Giffard, James A. Gilchrist, John Beatty, H. Ruttan, Mark Burnham and others, have, by their petition, prayed that they and their legal representatives may be incorporated for the purpose of establishing a Bank in the Town of Cobourg; and whereas it is desirable and just that the said persons and others who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be and are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Bank of Northumberland," and shall continue such corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded, in all courts of law as other corporations may, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yearly value of ten thousand dollars, and and may sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall appear proper and necessary for the right administration of their affairs, and the proper management of the said Bank (such By-laws and Regulations not being inconsistent with this Act, or contrary to the laws of this Province); Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meeting.

Corporate name and powers.

Real estate limited.

Proviso: approval.

2. The capital stock of the said Bank shall be one million dollars, divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns.

Capital \$500,
000, shares,
\$50.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof, and they or the majority of them, may cause stock books to be opened, after giving due public notice, upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such books shall be opened at Cobourg and elsewhere at the discretion of the said provisional directors, and shall be kept open so long as they shall deem necessary; and so soon within one year from and after the passing of this Act, as five hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock-books and one hundred thousand dollars thereof actually paid in to some one of the chartered Banks of this Province thereupon, a public meeting shall be called of the subscribers thereof by notice published at least two weeks in two of the newspapers of the town of Cobourg, such meeting to be held at such time and place in the said town as such notice shall indicate; and at such meeting the subscribers shall proceed to elect nine directors having the necessary stock qualifications, who shall from thenceforward manage the affairs of the said corporation, and who shall take charge of the stock-books hereinbefore referred to, and shall continue in office until the first Monday in July next thereafter, and until their successors in office shall be duly elected; and the said election shall be conducted in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for; and immediately upon such election being had, the functions of the said provisional directors shall cease.

Provisional
directors and
their powers
and duties.

First general
meeting for
election of
directors.

Retirement of
provisional
directors.

4. The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same; provided always that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing; provided further that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised, to commence the business of banking unless nor until a sum of not less than one hundred thousand dollars shall have been duly paid in by such subscribers to some one of the present chartered Banks

Payment of
stock.

Proviso: ten
per cent on
subscribing.

Proviso: pay-
ment of re-
mainder of
stock.

Provided: payment of remainder of stock.

Banks of this Province within one year from and after the passing of this Act; and that the balance of the five hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within eighteen months from and after the passing of this Act; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows: the sum of one hundred thousand dollars within two years, the further sum of one hundred thousand dollars within three years, the further sum of one hundred thousand dollars within four years from and after the passing of this Act, under penalty of the forfeiture of this charter, and the remainder of the stock when the directors shall appoint, but not later than the first day of June which will be in the year of our Lord, one thousand eight hundred and seventy.

Forfeiture for non-payment of instalments on stock.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said capital stock, at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said corporation of a sum of money, equal to ten per centum on the amount of such shares, and, moreover, it shall and may be lawful for the directors of the said corporation (with or without any formality other than thirty day's notice of their intention) to sell at public auction the said shares, or so many of the said shares, as shall, after deducting the reasonable expenses of such sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole; and the president or vice-president or cashier of the said corporation shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained shall be held to debar the directors or shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the said bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

Proviso: forfeiture may be remitted.

Board of directors, their qualification and annual election.

6. The stock, property, affairs and concerns of the said bank shall be managed by nine directors, who shall choose from among themselves a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in the Province, and be elected on the first Monday in July in each year, at such time of the day and at such place within the Town of Cobourg aforesaid, as a majority of the directors for the time being shall appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this

this Act previous to the time of holding such election ; and the said election shall be held and made by such of the shareholders of the said bank as have paid all calls made by the directors, and as shall attend for the purpose in their own persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous ; and all elections for directors shall be by ballot ; and the said proxies shall only be capable of being held and voted upon by shareholders then present ; and the nine persons who have the greatest number of votes at any election shall be directors, except as hereinafter directed ; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing the person or persons who, at the last general meeting next preceding such vacancy, had the greatest number of votes ; and if the vacancy so created shall be that of president or vice-president, the directors, at the first meeting after the completion of their number, shall, from among themselves choose a president or vice-president who shall continue in office for the remainder of the year ; and if it should happen, at any election, that two or more persons have an equal number of votes, then the directors who shall have had a greater number of votes, or the majority, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of nine ; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect, by ballot, two of their number to be president and vice-president ; provided always, that no person shall be eligible to be or continue as director, unless he shall hold in his name and for his own use, stock in the said bank to the amount of twenty shares, on which at least five hundred dollars have being paid in, and shall be a natural born, or naturalized subject of Her Majesty.

Mode of filling
up vacancies
in the board.

President and
Vice-President.

Proviso.
Qualification
of Directors.

7. In case it should happen that an election of directors should not be made on any day when pursuant to this Act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved ; but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been, by the by-laws of the said bank, provided.

Corporation not
to be dissolved
for failure of
election.

8. Each shareholder shall be entitled to a vote on each share which he or she shall have held in the said Bank, in his or her own name at least three months prior to the time of voting, but no shareholder shall be entitled to give a greater number by votes than twenty, nor to represent more than five hundred votes by proxies ; and all questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes ; the chairman elected to preside at any such meeting of the said shareholders, shall vote as a shareholder only, and where two or more persons are joint

Proportion of
votes to shares.

Majority to
decide.

Chairman.

Joint holders of
shares.

holders

Bank officers
not to vote.

holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; provided always, that no cashier, bank clerk, or other officer of the bank shall either vote in person, or by proxy at any meeting for the election of directors.

Calling of
special general
meetings.

9. Any number not less than twenty-five of the shareholders of the said Bank, who together may be proprietors of at least one hundred shares of the paid-up capital stock of the said Bank, by themselves or their proxies, or the directors of the said Bank, or any five of them, shall have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at their usual place of meeting in Cobourg, upon giving six weeks' previous public notice, specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the president, vice-president, or of a director or directors of the said Bank, for mal-administration or other specified and apparently just cause—then and in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice is first published, be suspended from the duties of his or their office or offices; and if it be the president or the vice-president whose removal is proposed, his office shall be filled up by the remaining directors (in the manner provided in case of a vacancy occurring in the office of president or vice-president), who shall choose or elect a director to serve as such president during the time such suspension shall continue to be undecided upon.

Suspension of
officers whose
removal is
proposed.

Filling vacancy
pro tempore.

Inspection of
books, &c.

10. The books, correspondence, and funds of the corporation shall at all times be subject to the inspection of the directors; but no shareholder, not being a director, shall be allowed to inspect the account of any person dealing with the Bank.

Quorum of
directors.

Who shall
preside.

Casting vote.

11. At all meetings of the directors of the said corporation, not less than four of them shall form a quorum for the transaction of business; and at the said meetings, the president or in his absence the vice-president, or in their absence one of the directors present, to be chosen *pro tempore*, shall preside; and the president, vice-president, and president *pro tempore* so presiding, shall vote as a director, and if there be an equal division on any question, shall have a casting vote.

Dividends.

12. It shall be the duty of the directors of the said Bank to make half-yearly dividends of so much of the profits of the said Bank as to the majority of them may seem advisable.

Directors may
make by-laws
for certain
purposes.

13. The directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of this Province) as to them shall appear needful and proper, touching
the

the management and disposition of the stock, property, estate and effects of the said Bank, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet, and shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said Bank by them respectively as the said board find necessary, and in the corporate name of the said Bank to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the said Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon the said share or shares to the said Bank in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to the said corporation, to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the said board of directors or any other matter whatsoever; provided that each such call shall be made at intervals of thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and any such call shall not exceed ten per cent. of each share subscribed; and provided always that before permitting any cashier, officer, clerk or servant of the corporation to enter upon the duties of his office, the directors shall require him to give bond or such other security to the satisfaction of the directors, for the due and faithful performance of his duties.

Appoint officers.

Make calls and sue for them.

And forfeit shares.

Actions for calls.

Declaration.

What to be proved; and what need not be proved.

Security from officers.

14. The directors, including the said President and Vice-President, shall be entitled to such emolument for their services as may be fixed by any by-law or resolution passed at the usual annual meeting of shareholders.

Payment of directors.

15. No bill or note for any sum whatever shall be issued or put into circulation by the said Bank, until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in actual possession of the said Bank in gold or silver coin current in this Province.

Condition precedent to issue of notes.

Places of business.

16. The chief place or seat of business of the Bank shall be in the Town of Cobourg, but the directors may open and establish in other cities, towns and places in this Province, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said directors shall, from time to time, seem meet.

Directors to submit statement of affairs to annual meetings.

What such statement must shew.

17. At every annual meeting of the shareholders of the said Bank to be held in the Town of Cobourg, in the manner hereinbefore provided, the directors shall submit a clear and full statement of the affairs of the said Bank, containing on the one part the amount of capital stock paid in, the amount of the notes of the Bank in circulation and net profits made, and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and on the other part, the amount of the current coin, the gold and silver bullion in the vaults of the Bank, the balances due to the Bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably accrue thereon.

Shares to be personal estate; assignment of shares.

18. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank, or any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or contracted and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons, and no fractional part or parts of a share, or less than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier of the Bank, an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon

Sale of shares under execution.

(but

(but not until after all debts due or liabilities contracted or not then due by the holder or holders of the shares to the Bank, shall have been discharged as aforesaid), the president or vice-president or cashier of the corporation shall execute the transfer of the share or shares so sold to the purchaser; and such transfer being duly accepted shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

19. The said Bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first and thirty-eighth sections of this Act it was specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the capital stock of the said bank or of any other bank, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, or of any goods, wares or merchandize, except as authorized in chapter fifty-four of the Consolidated Statutes of Canada, nor shall the said Bank, either directly or indirectly, raise loans of money or deal in the buying and selling or bartering of goods, wares or merchandise, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking; provided always, that the said bank may take and hold mortgages and liens, and assignments of mortgages and liens, and hypothecs on real estate and on ships, vessels and other personal property, by way of additional security for debts contracted to the bank in the course of its dealings, and also for such purpose, may purchase any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said bank.

What the Bank may not do, in lending money and taking security.

Its proper business.

Provide: as to mortgages and liens.

20. The aggregate amount of discounts and advances made by the said bank upon commercial paper, or securities bearing the name of any director of the said bank, or the name of any copartnership or firm in which any director of the said bank shall be partner, shall not at any one time exceed one-thirtieth of the total amount of discounts made by the Bank at the same time.

Proportion of discount for directors limited.

21. The bank may allow and pay interest upon money deposited in the bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and the rate of discount then charged shall continue until the said note or negotiable paper so discounted,

Discount and charges for agency and exchange.

Overdue notes
may be charged
to deposit
account.

or any judgment thereon be paid or satisfied, and when notes, bills or other negotiable securities or paper are *bond fide* payable at a place within the Province different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the bank may charge any note or bill held by, or made payable at the bank against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Bonds, &c.,
assignable by
endorsement.

22. The bonds, obligations and bills obligatory or of credit, of the said bank under its corporate seal, and signed by the president or vice-president, and countersigned by a cashier or assistant cashier, which shall be made payable to any person or persons, shall be assignable by the endorsement thereon; and bills or notes of the said bank, signed by the president, vice-president, cashier or other officer appointed by the directors of the said bank to sign the same, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the corporate seal of the said bank, shall be binding and obligatory on it in like manner, and with the like force and effect as they would be upon any private person if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; provided always, that nothing in this Act shall be held to debar the directors of the said bank from authorizing or deputing, from time to time, any cashier, assistant cashier, or officer of the bank, or any director other than the president or vice-president, or any cashier, manager or local director of any branch or office of discount and deposit of the said bank, to sign the bills of the corporation intended for general circulation, and payable to order or to bearer on demand.

Bills and notes
need not be
sealed.

Proviso: as to
authority to
sign notes.

Recital.

23. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may, from time to time, be adopted by the bank, instead of being subscribed in the handwriting of such person or persons respectively; and whereas doubts might arise respecting the validity of such notes, be it therefore declared and enacted, that all bank notes and bills of the "Bank of Northumberland," whereon the name or names of any person or persons intrusted and authorized to sign such notes or bills on behalf of the bank shall, or may become impressed by machinery, provided for that purpose, by or with the authority of the bank, shall be and shall be taken to be good and valid to all intents and purposes,

Name of person
authorized
to sign notes
may be im-
pressed by
machinery.

as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute or usage to the contrary notwithstanding.

24. The notes or bills of the bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business in Cobourg, or from any of its branches, shall be payable on demand in specie at the place where they bear date; and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of directors, shall be held to be a branch bank.

Notes payable
in specie at
place of issue.

Branch banks.

25. A suspension of the said bank, either at its chief place of business in Cobourg, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said bank, payable there on demand, shall, if the time of suspension extends to sixty days consecutively, or at intervals within any twelve consecutive months, operate as and be a forfeiture of its charter and of all and every the privileges granted to it by this Act.

Charter to be
forfeited by
long suspen-
sion of pay-
ment in specie.

26. The total amount of the bills or notes of the bank of all values in circulation, at any one time, shall never exceed the aggregate amount of the paid-up capital stock of the bank paid in, and the gold and silver coin and bullion and debentures, or other securities reckoned at par, issued or guaranteed by the Government, under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation, at any one time, not more than one fifth of the said aggregate amount shall be in bank notes or bills under the nominal value of four dollars; but no bank note or bill of the bank under the nominal value of one dollar shall be issued.

Proportion of
notes, &c., in
circulation to
stock, gold,
&c., on hand.

One fifth of
notes may be
under \$4.
None under \$1.

27. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in and the deposits made in the bank in specie and government securities for money; and in cases of excess, or in case the total amount of the bills or notes of the said bank of all values in circulation shall at any time exceed the amount hereinbefore limited, the said bank shall forfeit its charter and all the privileges granted to it by this Act of incorporation, and the directors under whose administration the excess shall happen shall be liable, jointly and severally, for the same in their private capacity, as well to the shareholders as to the holders of the bonds,

Debts of bank
not to exceed
three times the
amount of
stock and de-
posits; forfei-
ture of char-
ter and liabili-
ties of direc-
tors in case of
contravention.

Proviso: how a director may avoid liability.

bonds, bills or notes of the said bank; and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said bank or its lands, tenements, goods and chattels from being also liable for such excess; provided always, that if any director present at the time of contracting any such excess of debt do forthwith, or if any director absent at the time contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the bank, his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper published in Cobourg, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; provided always that such justification shall not exonerate any director from his liability as a shareholder.

Proviso.

Double liability of shareholders.

28. In the event of the property or assets of the said bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the said bank shall be liable and responsible for the deficiency to the extent of double the amount of their stock, that is to say, the liability and responsibility of each shareholder shall be limited to the amount of his, her, or their shares of the said capital stock, and a sum of money equal in amount thereto; provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors hereinbefore mentioned and declared.

Proviso: as to Directors.

Monthly statement of assets and liabilities to be published and submitted to the Governor.

29. Besides the detailed statements of the affairs of the said bank hereinbefore required to be laid before the shareholders thereof, at their annual general meetings, the directors shall make up and publish, on the first Monday of each month, a statement of the assets and liabilities of the said bank, in the form of schedule A hereunto annexed, shewing, under the heads specified in the same form, the average amount of the notes of the bank and the other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, if required, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said directors shall verify the same by the production of the weekly or monthly balance sheet from which the said statement shall have been compiled; and furthermore, the said directors shall from time to time, if required, furnish to the said Governor such further reasonable information as he may see fit to call for; provided always that

Governor may require further information.

Proviso: as to

the

the directors shall not nor shall anything herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said bank.

private accounts.

30. It shall not be lawful for the corporation hereby constituted, directly or indirectly, to advance or lend to or for the use of or on account of any foreign prince, power or state, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth, the said corporation shall be dissolved; and all the powers and privileges hereby granted shall cease.

Advance or loan to foreign states prohibited.

31. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Cobourg, and in the *Canada Gazette* or such other gazette as shall be generally known and described as the Official Gazette, for the publication of official documents and notices emanating from the civil government of this Province, if any such Gazette be then published.

Public notice by advertisements in certain papers.

32. Books of subscription may be opened, and shares of the capital stock of the bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the bank in the Town of Cobourg; and to that end the directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Subscription and transfer of shares and payment of dividends in United Kingdom.

33. If the interest in any share or shares in the said bank become transmitted in consequence of the death, or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors of the bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a public notary where the same shall be made and signed; and every declaration so signed and acknowledged shall be left with the cashier or other officer or agent of the bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall

Authentication of transmission of shares by death, marriage, insolvency, &c.

Proviso: before whom declaration may be made.

Proviso: as to further proof.

Transmission of shares by marriage of female shareholder or by testamentary instrument or by intestacy.

Transmission of shares by death of shareholder.

Bank not to be bound to see to

shall be entitled to receive any share of the profits of the bank, or to vote in respect of any such share or shares; provided always, that every such declaration and instrument as by this and the following section of this Act is required, to perfect the transmission of a share or shares in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul, or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the bank, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

34. If the transmission of any share of the said bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or any letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders.

35. If the transmission of any share or shares of the capital stock of the said bank be by decease of any shareholder, the production to the directors and the deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in this Province, having power to grant such probate or letters of administration, or by any prerogative diocesan or peculiar court or authority in England, Wales, Ireland, or any British Colony, of any testament, testamentary or testament dative expedite in Scotland; or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the directors of any probate of his or her will, or letters of administration of his or her property, or other document of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the directors for paying any dividend, or transferring, or authorizing the transfer of any share or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

36. The bank shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any

any of the shares of its stock shall be subject ; and the receipt of the party in whose name any such share shall stand in the books of the bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the bank have had notice of such trust ; and the bank shall not be bound to see to the application of the money paid upon such receipt.

the execution
of any trust or
the application
of any money.

37. It shall be the duty of the said bank to invest as speedily as the debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the debentures of this Province, payable within the same, or secured upon the Consolidated Loan Fund, one tenth part of the whole paid-up capital of the said bank, and to make a return of the numbers and amounts of such debentures, verified by the oaths and signatures of the president and chief cashier, or manager of the said bank, to the Finance Minister of Canada, in the month of January in each year, under the penalty of the forfeiture of the charter of the bank in default of such investment and return ; provided always, that the said directors shall not commence the ordinary business of banking, unless nor until the sum of ten thousand dollars shall have been invested in such debentures, within one year from and after the passing of this Act.

One tenth of
capital to be
invested in
Provincial
Debentures.

Annual return
to be made on
oath.

proviso : as to
time of com-
mencing busi-
ness.

38. Chapter fifty-four of the Consolidated Statutes of Canada, intituled : *An Act respecting incorporated Banks*, as amended by the Act of the Parliament of this Province, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and the said Act amending the same, and any Act amending the said chapter and the said Act that may be passed during the present Session of the said Parliament, save and except section three of the said chapter, shall extend to the said " Bank of Northumberland," and shall be read and taken to be and form a part of the charter of the said " Bank of Northumberland."

Cap. 54 of Con-
Stat. Can. as
amended by 24
V. c. 23, to
apply.

39. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, out-house, or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched ; and all such counterfeited bank bills, notes and such plates, dies, rolling-presses, tools, instruments and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon, shall forthwith be carried before the

Search warrant
for and seizure
and destruction
of counterfeit
notes, &c.

Bills and Notes in circulation bearing interest.....\$
Balances due to other Banks.....\$
Cash deposits not bearing interest.....\$
Cash deposits bearing interest.....\$

Total average liabilities.....\$

ASSETS.

Coin and Bullion.....\$
Landed or other property of the Bank.....\$
Government securities.....\$
Promissory Notes or Bills of other Banks.....\$
Balances due from other Banks.....\$
Notes and Bills discounted.....\$
Other debts due to the Bank, not included under the fore-
going heads.....\$

Total average assets.....\$

C A P . L X X V . *Vide Cap 53-Vis 32-33*

An Act to Incorporate the Union Bank of Lower
Canada.

[Assented to 18th September, 1865.]

WHEREAS Charles E. Levey, John Burstall, John Sharples, *Preamble.*
Joseph Roberts, Timothy Dunn, Mathew G. Mountain,
and others, have, by their petition, prayed that they and their
legal representatives might be incorporated for the purpose of
establishing a Bank in the City of Quebec; and whereas it is
desirable and just that the said persons and others who see fit
to associate themselves with them, should be incorporated for
the said purpose: Therefore, Her Majesty, by and with the
advice and consent of the Legislative Council and Assembly
of Canada, enacts as follows:

1. The several persons hereinbefore named, and such other *Incorporation.*
persons as may become shareholders in the Company to be by
this Act created, and their assigns, shall be and are hereby
created, constituted and declared to be a corporation, body
corporate and politic, by the name of the "Union Bank of *Corporate*
Lower Canada," and shall continue such corporation, and shall *name and*
have perpetual succession and a corporate seal, with power to *powers.*
alter and change the same at pleasure, and may sue and be
sued, implead or be impleaded, in all courts of law as other
corporations may, and shall have the power to acquire and *Real estate*
hold real and immovable estate for the management of their *limited.*
business, not exceeding the yearly value of ten thousand dollars,
and may sell, alienate or exchange the same and acquire other
instead, and may, when duly organized as hereinafter pro- *By-laws.*
vided, make, ordain and establish such rules, regulations and
by-laws

by-laws as to them shall appear proper and necessary for the right administration of their affairs, and the proper management of the said Bank (such by-laws and regulations not being inconsistent with this Act, or contrary to the laws of this province); provided, however, that such rules, regulations and by-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meeting.

Proviso: for approval.

Capital and shares.

Proviso: for reduction of capital stock.

2. The capital stock of the said Bank shall be two millions of dollars, divided into shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns; provided always, that if within the period of four years from and after the passing of this Act it be resolved at any annual general meeting of the shareholders of the said Bank that the capital stock thereof be reduced to the amount thereof then actually subscribed, or to the sum of one million of dollars if the amount of stock then subscribed thereon be less than one million of dollars, and if notice of such resolution be forthwith thereafter given in the *Canada Gazette*, then and thereupon the capital of the said Bank shall be held to be reduced to one million of dollars, or to such sum exceeding one million of dollars, as may then have been subscribed, and this Act shall be construed and enforced as if the capital of the said Bank had been herein fixed at the sum named in such resolution.

Provisional directors.

Subscription of stock.

First meeting for election of directors.

Election of directors.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof; and they, or the majority of them, may cause stock books to be opened, after giving due public notice, upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such books shall be opened at Quebec and elsewhere at the discretion of the said provisional directors, and shall be kept open so long as they shall deem necessary; and so soon, within one year from and after the passing of this Act, as five hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock books and one hundred thousand dollars thereof actually paid in thereupon to some one of the present chartered Banks of this province, a public meeting shall be called of the subscribers thereof by notices published at least two weeks in two of the newspapers of the City of Quebec, such meeting to be held at such time and place in the said city as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven directors having the requisite stock qualifications, who shall, from thenceforward, manage the affairs of the said corporation, and who shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Monday in July next thereafter, and until their successors in office shall be

be elected ; and the said election shall be conducted in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for ; and immediately upon such election being had, the functions of the said provisional directors shall cease.

Retirement of provisional directors.

4. The shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the said directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same ; provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing ; provided further that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised, to commence the business of banking unless nor until a sum not less than one hundred thousand dollars shall have been duly paid in by such subscribers to some one of the present chartered banks of this province within one year from and after the passing of this Act ; and that the balance of the five hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within eighteen months from such commencement ; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows : the sum of two hundred thousand dollars within two years, the further sum of two hundred thousand dollars within three years, the further sum of one hundred thousand dollars within four years, and the remainder of the said capital, if the same have not been reduced as aforesaid to one million of dollars, at such time or times not later than the first day of June which will be in the year of Our Lord one thousand eight hundred and seventy as the directors shall appoint.

Payment of stock.

Proviso : ten per cent. on subscribing.

Proviso : when to commence business.

Proviso : payment of remainder of stock.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said capital stock, and at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said corporation of a sum of money equal to ten per centum on the amount of such shares, and, moreover, it shall and may be lawful for the directors of the said corporation (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole ; and the president or vice-president or cashier of the said corporation shall execute the transfer to the purchaser of the shares of stock so sold ; and such transfer, being accepted, shall

Forfeiture for non-payment of instalments on stock.

Proviso: forfeiture may be remitted.

shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained shall be held to debar the directors or shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the said bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

Board of directors, their qualification and annual election

6. The stock, property, affairs and concerns of the said bank shall be managed by seven directors, who shall choose from among themselves a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in the province, and natural-born or naturalized subjects of Her Majesty, and be elected on the first Monday in July in each year, at such time of the day, and at such place in the City of Quebec aforesaid, as a majority of the directors for the time being shall appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this Act, previous to the time of holding such election; and the said election shall be held and made by such of the shareholders of the said bank as have paid all calls made by the directors, and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said proxies shall only be capable of being held and voted upon by shareholders then present; and the seven persons who have the greatest number of votes at any election shall be directors, except as hereinafter directed; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing the person or persons who, at the last general meeting next preceding such vacancy, had the largest number of votes; and if the vacancy so created shall be that of president or vice-president, the directors, at the first meeting after the completion of their number, shall, from among themselves, choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen, at any election, that two or more persons have an equal number of votes, then the directors who shall have had a greater number of votes, or the majority, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of seven; and the said directors, as soon as may be after the said election, shall proceed in like manner to elect, by ballot, two of their number to be the president and vice-president; provided always, that no person shall be eligible to be or continue as director, unless he shall hold in his name and for his own use, stock in the said bank to the amount of twenty shares, on which all calls have been paid in.

Ballot.
Proxies.

Mode of filling up vacancies.

Ties.

President and Vice-President.

Proviso.

7. In case it should happen that an election of directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold and make an election of directors in such manner as shall have been, by the by-laws of the said bank, provided.

Failure of election not to dissolve corporation.

8. Each shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said bank, in his or her own name, at least three months prior to the time of voting, according to the following scale, that is to say: For one share and not more than two, one vote; and for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty nor to represent more than five hundred votes by proxies; and all questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes; the chairman elected to preside at any such meeting of the said shareholders, shall vote as a shareholder only, and where two or more persons are joint-holders of shares, it shall be lawful that one only of such joint-holders be empowered by letter of attorney from the other joint-holder or holders, or a majority of them, to represent the said shares and vote accordingly; provided always, that no cashier, bank clerk, or other officer of the bank shall either vote in person, or by proxy at any meeting for the election of directors.

Scale of votes by shareholders, proportion of votes to shares.

Chairman.

Joint holders of shares.

Bank officers not to vote.

9. Any number not less than twenty-five of the shareholders of the said bank, who together may be proprietors of at least one hundred shares of the capital stock of the said bank, having all calls paid up, by themselves or by proxies, or the directors of the said bank or any four of them, shall have power at any time, to call a special general meeting of the shareholders of the said bank, to be held at their usual place of meeting in Quebec, upon giving six weeks previous public notice, specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the president, vice-president, or of a director or directors of the said bank, for mal-administration or other specified and apparently just cause—then and in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if it be the president or the vice-president whose removal

Calling of special general meetings.

If for removal of President, &c.

Suspension of officers whose removal is proposed.

removal shall be proposed, his office shall be filled up by the remaining directors (in the manner provided in case of a vacancy occurring in the office of president or vice-president), who shall choose or elect a director to serve as such president during the time such suspension shall continue to be undecided upon.

Inspection of books, &c.

10. The books, correspondence, and funds of the corporation shall, at all times, be subject to the inspection of the directors; but no shareholder, not being a director, shall be allowed to inspect the account of any person dealing with the bank.

Quorum of directors.

Who shall preside.

Casting vote.

11. At all meetings of the directors of the said corporation not less than three of them shall constitute a Board or quorum for the transaction of business, and at the said meetings the president, or in his absence, the vice-president, or in their absence, one of the directors present, to be chosen *pro tempore*, shall preside, and the president, vice-president, or president *pro tempore*, so presiding, shall vote as a director, and, if there be an equal division on any question, shall have a casting vote.

Dividends.

12. It shall be the duty of the directors of the said bank to make half-yearly dividends of so much of the profits of the said bank as to the majority of them may seem advisable.

Directors may make by-laws for certain purposes.

Appoint officers and local directors.

Make calls and sue for them.

And forfeit shares.

Actions for calls.

Declaration.

13. The directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of this province) as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said bank, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a bank, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet, and shall also appoint a director or directors, who shall each be the absolute owner of at least twenty shares in his own right, for any branch which they may establish, and shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said bank by them respectively as the said board find necessary, and in the corporate name of the said bank to sue for, recover, and get in all such calls, or to cause and declare such shares to be forfeited to the said bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon said share or shares to the said Bank in the sum to which the call or calls amount, as the case may be

be, stating the amount and number of such calls, whereby an action hath accrued to the said corporation to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the said board of directors or any other matter whatsoever; provided that each such call shall be made at intervals of thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and any such call shall not exceed ten per cent. of each share subscribed; and provided always that before permitting any cashier, officer, clerk, or servant of the corporation to enter upon the duties of his office, the directors shall require him to give bond or such other security to the satisfaction of the directors, for the due and faithful performance of his duties.

What to be proved.

And what need not be proved.

proviso : as to calls.

Proviso : security from officers.

14. The directors, including the said president and vice-president, shall be entitled to such emolument for their services as may be fixed by any by-law or resolution passed at the usual annual meeting of shareholders.

Remuneration of directors.

15. No bill or note for any sum whatever shall be issued or put into circulation by the said Bank until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in the actual possession of the said Bank in gold or silver coin current in this Province.

Condition precedent to issue of notes.

16. The chief place or seat of business of the Bank shall be in the City of Quebec, but the directors may open and establish in other cities, towns and places in this Province, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said directors shall from time to time seem meet.

Places of business.

17. At every annual meeting of the shareholders of the said Bank to be held in the City of Quebec, in the manner hereinbefore provided, the Directors shall submit a clear and full statement of the affairs of the said Bank, containing on the one part the amount of capital stock paid in, the amount of the notes of the Bank in circulation, and the net profits made and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of the current coin, the gold and silver bullion in the vaults of the Bank,

Directors to submit statement of affairs to annual meetings.

What such statement must shew.

Bank, the balances due to the Bank, from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting, on the one hand, the liabilities of or the debts due by the bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably accrue thereon.

Rates of dividend.

Shares to be personal estate; assignment of shares.

Sale of shares under execution.

18. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or contracted and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock if any belonging to such person or persons, and no fractional part or parts of a share, or less than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due or liabilities contracted and not then due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser; and such transfer, being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

What the Bank may not do, in lending money on security.

19. The said Bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first and thirty-eighth sections of this Act it is specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the capital stock of the said bank or of any other bank, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares

shares of the capital stock of said Bank, or of any goods, wares or merchandize, except as authorized in chapter fifty-four of the Consolidated Statutes of Canada, nor shall the said Bank, either directly or indirectly, raise loans of money or deal in the buying and selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking; provided always, that the said Bank may take and hold mortgages and liens, and assignments of mortgages and liens, and hypothèques on real estate and on ships, vessels and other personal property, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose, may purchase any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Proviso: as to mortgages and liens.

20. The aggregate amount of discounts and advances made by the said Bank upon commercial paper, or securities bearing the name of any director of the said Bank, or the name of any co-partnership or firm in which any director of the said Bank shall be partner, shall not at any one time exceed one thirtieth of the total amount of discounts made by the Bank at the same time.

Proportion of discount for directors limited.

21. The Bank may allow and pay interest upon money deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and the rate of discount, then charged shall continue until the said note or negotiable paper so discounted, or any judgment thereon be paid or satisfied, and when notes, bills or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the Bank may charge any note or bill held by, or made payable at the Bank against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Discount and charges for agency and exchange.

Overdue notes may be charged to deposit account.

22. The bonds, obligations, and bills obligatory or of credit, of the said Bank under its corporate seal, and signed by the president or vice-president and countersigned by a cashier or assistant cashier, which shall be made payable to any person or persons, shall be assignable by the endorsement thereon; and bills or notes of the said Bank signed by the president, vice-president, cashier, or other officer appointed by the directors of the

Bonds, &c., assignable by endorsement.

Bills and notes need not be sealed.

the said Bank to sign the same, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory on it in like manner, and with the like force and effect as they would be upon any private person if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; provided always that nothing in this Act shall be held to debar the directors of the said Bank from authorizing or deputing from time to time, any cashier, assistant cashier, or officer of the Bank, or any director other than the president or vice-president, or any cashier, manager or local director of any branch or office of discount and deposit of the said Bank, to sign the bills of the corporation intended for general circulation, and payable to order or to bearer on demand.

Proviso: as to authority to sign notes.

Recital.

Name of person authorized to sign notes may be impressed by machinery.

23. And whereas it may be deemed expedient that the name or names of the persons or person intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the bank, instead of being subscribed in the handwriting of such person or persons respectively; and whereas doubts might arise respecting the validity of such notes: be it therefore declared and enacted, that all bank notes and bills of the "Union Bank of Lower Canada," whereon the name or names of any person or persons intrusted and authorized to sign such notes or bills on behalf of the Bank shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and shall be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute, or usage to the contrary notwithstanding.

Notes payable in specie at place of issue.

Branch banks.

24. The notes or bills of the Bank made payable to order or bearer and intended for general circulation, whether the same shall issue from the chief seat or place of business in Quebec, or from any of its branches, shall be payable on demand in specie at the place where they bear date; and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of directors, shall be held to be a branch bank.

Charter to be forfeited by long suspension of payment in specie.

25. A suspension of the said Bank, either at its chief place of business in Quebec or at any of its branches or offices of discount and deposit at any other place in this Province, of payment

payment on demand in specie of the notes or bills of the said Bank payable there on demand, shall, if the time of suspension extends to sixty days consecutively, or at intervals within any twelve consecutive months, operate as and be a forfeiture of its charter and of all and every the privileges granted to it by this Act.

26. The total amount of the bills or notes of the Bank of all values in circulation at any one time shall never exceed the aggregate amount of the paid-up capital stock of the Bank paid in, and the gold and silver coin and bullion and debentures, or other securities reckoned at par issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation at any one time not more than one-fifth of the said aggregate amount, shall be in bank notes or bills under the nominal value of four dollars; but no bank note or bill of the Bank under the nominal value of one dollar shall be issued.

Proportion of notes, &c., in circulation to stock, gold, &c., on hand.

One fifth of notes may be under \$4.

None under \$1.

27. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in and the deposits made in the Bank in specie and government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank of all values in circulation shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this Act of incorporation, and the directors under whose administration the excess shall happen shall be liable, jointly and severally, for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills or notes of the said Bank; and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank or its lands, tenements, goods and chattels from being also liable for such excess; provided always, that if any director present at the time of contracting any such excess of debt do forthwith, or if any director absent at the time of contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published in Quebec, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; provided always that such justification shall not exonerate any director from his liability as a shareholder.

Debts of bank not to exceed three times the amount of stock and deposits; forfeiture of charter and liabilities of directors in case of contravention.

proviso: how a director may avoid liability.

Proviso.

Double liability
of shareholders.

Proviso: as to
Directors.

Monthly state-
ment of assets
and liabilities to
be published
and submitted
to the Gover-
nor.

Governor may
require further
information.

Proviso: as to
private ac-
counts.

Advance or
loan to foreign
states prohib-
ited.

Public notice
by advertise-
ments in certain
papers.

28. In the event of the property or assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the said Bank shall be liable and responsible for the deficiency to the extent of double the amount of their stock, that is to say, the liability and responsibility of each shareholder shall be limited to the amount of his, her, or their shares of the said capital stock, and a sum of money equal in amount thereto; provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors hereinbefore mentioned and declared.

29. Besides the detailed statements of the affairs of the said Bank hereinbefore required to be laid before the shareholders thereof, at their annual general meetings, the directors shall make up and publish, on the first Monday of each month, a statement of the assets and liabilities of the said Bank in the form of the schedule A hereunto annexed, shewing, under the heads specified in the same form, the average amount of the notes of the Bank and the other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, if required, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statement shall have been compiled; and furthermore the said directors shall, from time to time, if required, furnished to the said Governor such further reasonable information as he may see fit to call for; provided always that the directors shall not nor shall anything herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

30. It shall not be lawful for the corporation hereby constituted, directly or indirectly to advance or lend to or for the use of or on account of any foreign prince, power or state, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then, and from thenceforth, the said corporation shall be dissolved; and all the powers and privileges hereby granted shall cease.

31. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Quebec, and in the *Canada Gazette* or such other gazette as shall be generally known and described as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

32. Books of subscription may be opened, and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the City of Quebec; and to that end the directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Subscription and transfer of shares and payment of dividends in United Kingdom.

33. If the interest in any share or shares in the said Bank become transmitted in consequence of the death, or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a public notary where the same shall be made, and signed; and every declaration so signed and acknowledged shall be left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, or to vote in respect of any such share or shares; provided always, that every such declaration and instrument as by this and the following section of this Act is required, to perfect the transmission of a share or shares in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul, or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Authentication of transmission of shares in certain cases.

Proviso: before whom declaration may be made.

Proviso: as to further proof.

34. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity

Transmission of shares by marriage of female share-

holder or by
testamentary
instrument or
by intestacy.

identity of the wife with the holder of such share ; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or any letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders.

Transmission
of shares by
death of
shareholder.

35. If the transmission of any share or shares of the capital stock of the said Bank be by decease of any shareholder, the production to the directors and the deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative diocesan or peculiar court or authority in England, Wales, Ireland or any British Colony, of any testament, testamentary or testament dative expedite in Scotland ; or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the directors of any probate of his or her will, or letters of administration of his or her property, or other document of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the directors for paying any dividend, or transferring, or authorizing the transfer of any share or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

Bank not to be
bound to see to
the execution
of any trust or
the application
of any money.

36. The Bank shall not be bound to see to the execution of any trust whether expressed, implied, or constructive, to which any of the shares of its stock shall be subject ; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust ; and the Bank shall not be bound to see to the application of the money paid upon such receipt.

One tenth of
capital to be
invested in
Provincial
Debentures.

37. It shall be the duty of the said Bank to invest as speedily as the debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Loan Fund, one tenth part of the whole paid-up capital of the said Bank, and to make a return of the numbers and amounts of such debentures verified by the oaths and signatures of the president and chief cashier, or manager of the said Bank, to the Finance Minister

Annual return
to be made on
oath.

Minister of Canada, in the month of January in each year, under the penalty of the forfeiture of the charter of the Bank in default of such investment and return ; Provided always, that the said directors shall not commence the ordinary business of banking unless nor until the sum of ten thousand dollars shall have been invested in such debentures within one year from and after the passing of this Act. Proviso.

38. Chapter fifty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, as amended by the Act of the Parliament of this Province, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and the said Act, amending the same, and any act amending the said chapter, and the said act, that may be passed during the present session of the said Parliament, shall extend to the said the "Union Bank of Lower Canada," and shall be read and taken to be, and form a part of the charter of the said the "Union Bank of Lower Canada." Cap. 54 of Cons. Stat. Can. to apply as amended by 24 V. c. 23.

39. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the Bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, out-house or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched ; and all such counterfeit bank bills and notes and such plates, dies, rolling-presses, tools, instruments and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon, shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice ; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court. Search warrant for and seizure and destruction of counterfeit notes, &c.

40. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit or other bill or note, or any security for money, or any money or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony. Embezzlement by officer of bank to be felony.

41. Any person guilty of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary Punishment of such felony.

Penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years in the discretion of the Court.

Duration of
Act.

42. This Act shall remain in force until the first day of June, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province.

Charter subject
to future general
legislation.

43. This Act, and the powers and privileges hereby conferred, shall be subject to any future legislation which may take place, and no general Act, whereby any privilege hereby conferred may be affected or impaired, shall be deemed a violation of the charter of the said Bank.

Public Act.

44. This Act shall be deemed a Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

Return of the average amount of liabilities of the "Union Bank of Lower Canada" during the period from the first of , one thousand eight hundred and to the last day of the said month.

LIABILITIES.

Promissory Notes in circulation, not bearing interest...	§
Bills of Exchange in circulation, not bearing interest...	§
Bills and notes in circulation, bearing interest.....	§
Balances due to other banks.....	§
Cash deposits, not bearing interest.....	§
Cash deposits, bearing interest.....	§
Total average liabilities.....	§

ASSETS.

Coin and bullion.....	§
Landed or other property of the Bank	§
Government Securities.....	§
Promissory notes or bills of other banks.....	§
Balances due from other banks.....	§
Notes and bills discounted.....	§
Other debts due to the Bank, not included under the foregoing heads.....	§
Total average Assets.....	§

CAP. LXXVI.

An Act to incorporate the Society called "La Caisse d'Epargne de St. Roch de Montréal."

[Assented to 18th September, 1865.]

WHEREAS an Association under the name of "La Caisse d'Epargne de St. Roch de Montréal," has existed for some time past in the City of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members ; and whereas the members of the said association have prayed to be incorporated, and it is expedient to grant their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. P. J. Beaudry, T. Germain, C. F. Perrin, R. Desjardins, F. X. Lamarche, Daniel Munro, Côme Perrin, André Lapierre, Jr., Charles Méloche and Louis Carle, together with such other persons as now are members of the said institution, or may hereafter become members thereof in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "La Caisse d'Epargne de St. Roch de Montréal," for aiding its members in case of sickness, and ensuring the like assistance and other advantages to the widows and children of deceased members, and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves, and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, not exceeding in annual value two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, for the same purposes ; and any majority whatsoever of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said corporation, and for the admission of members thereof ; and the same to amend and repeal from time to time, in whole or in part, and also the regulations and by-laws of the said association that may be in force at the time of the passing of this Act ; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said corporation, and the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to

Certain persons incorporated.

Corporate name and powers.

Real estate.

Powers of majority to make By-laws.

Further powers.

to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Application of
rents, revenues,
&c.

2. The rents, revenues and profits of the said corporation, shall be appropriated and employed exclusively for the benefit of the members of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Estate and
liabilities of
Association
transferred to
Corporation.

3. All real and personal estate at present the property of the said association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be, and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said association, and the rules, regulations and by-laws, now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Appointment of
Administrators
and other
officers.

4. The members of the said corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the corporation, and such officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation.

Annual report
to Government.

5. The said corporation shall be bound to make annual reports to the Auditor-General, and to both branches of the Legislature, containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of every session of the Legislature.

Money granted
as aid by Cor-
poration not
liable to
seizure.

6. No sum of money granted by the said corporation under its constitution, or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; provided always, that nothing in this section contained shall in any manner affect the right of any creditor, in respect of any sum of money due by the said corporation to any of its members, by reason of any contract or undertaking between the said corporation and such member.

Proviso.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. LXXVII.

An Act to provide for the appointment of Commissioners to enquire into the affairs of the St. Roch's Savings Bank, Quebec.

[Assented to 18th September, 1865.]

WHEREAS it is expedient that full inquiry should be made, under Legislative authority, into the affairs of the Institution known as the St. Roch's Savings Bank, Quebec, and the causes which led to the failure of the said Institution and its inability to meet the just claims of those who had deposited money in it : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Governor may appoint a Commissioner for the purpose of making the inquiry mentioned in the preamble to this Act, and of reporting the result thereof to His Excellency, with the evidence to be taken by him in the course of such inquiry ; and for the purpose aforesaid, the said Commissioner shall have full power to summon any Director, Manager, Treasurer, or Officer of the said Institution, or any person having been such, or any other person whomsoever, to attend before him, at such time, and at such place, within the city of Quebec, as he shall appoint, then and there to give such evidence and information as it may be in their power respectively to give pertinent to the said inquiry, and to produce before the said Commissioner and exhibit to him if required, all books, documents and papers of the said Institution or relative to the matters to which the said inquiry relates, or any of them which shall be in the possession or subject to the control of the party summoned ; and the said Commissioner shall have full power to examine any person so attending before him on oath, which he may administer, and to take down the evidence of such person in writing, and to require such person to sign the same ; and if any person so summoned refuses to attend, or attending, refuses or neglects to answer any question pertinent to the said inquiry, or to produce any such book, document, or paper as aforesaid, the Commissioner may complain thereof to any Judge of the Superior Court, who, on being satisfied by affidavit or otherwise that such person has so refused or neglected, shall issue an order commanding the party so refusing or neglecting to attend before the said Commissioner at a time and place therein named, for the purpose mentioned in the prior summons of the Commissioner ; and such order shall be held to be an order of the Court ; and if any such party refuses or neglects to obey such order, he shall be held to have committed a contempt of the said Court, and may be dealt with, and the said order may be enforced, accordingly ;

Governor may appoint a Commissioner to inquire, &c.

His powers and duties.

Examination of witnesses upon oath.

As to persons refusing to attend, or to answer, &c.

provided

Proviso.

provided always, that no person shall be obliged to answer any question by his answer to which, he might render himself liable to a criminal prosecution.

CAP. LXXVIII.

An Act to amend the Act incorporating the Toronto and Georgian Bay Canal Company.

[Assented to 18th September, 1865.]

Preamble.

19, 20 V. c. 118.

Former charter
recited: peti-
tion of corpora-
tion under it.

Petition for
amendments.

WHEREAS an Act was passed in the nineteenth and twentieth years of Her Majesty's Reign, chaptered one hundred and eighteen, whereby the Toronto and Georgian Bay Canal Company was incorporated, and Thomas Clarkson and twenty-seven others were constituted Provisional Directors thereof; And whereas Francis H. Medcalf, A. M. Smith, M. P. P., Thomas R. Ferguson, M. P. P., Frederic C. Capreol and Henry Fowler, have, by petition, represented that of the persons so incorporated and constituted Provisional Directors some have since deceased, others have departed and removed their residence out of this Province, others of them have, from various causes, become unable to act as such Provisional Directors, and the remainder of them, or a majority of them, are desirous of being relieved from their office as such Provisional Directors; and whereas the said Francis H. Medcalf, A. M. Smith, M. P. P., Thomas R. Ferguson, M. P. P., Frederic C. Capreol and Henry Fowler have, by their said petition, also prayed that amendments may be made to the said Act of Incorporation, by which they may be appointed and constituted Provisional Directors for the purpose of carrying into effect the provisions of the said Act, in the room and stead of the persons named therein, and have and enjoy all the rights and powers conferred upon the Provisional Directors appointed by the said Act; And whereas the accomplishment of the object contemplated by the Company is of the utmost importance to the commercial and general interests of this Province at large, and it is expedient that the prayers of the petitioners be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of 19, 20 V.
c. 118 repealed.

1. So much of the said Act nineteenth and twentieth Victoria, Chapter one hundred and eighteen, as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed.

Certain persons
appointed Pro-
visional Direc-
tors.

2. The said Francis H. Medcalf, A. M. Smith, M. P. P., Thomas R. Ferguson, M. P. P., Frederic C. Capreol, and the Hon. Wm. McMaster, M. L. C., Thomas D. McConkey, M. P. P., Thomas Grahame, of Vaughan, and Henry Fowler, shall be and are hereby appointed Provisional Directors of the Toronto
and

and Georgian Bay Canal Company incorporated by the Act above cited, in the place and stead of the persons appointed by the twentieth section of the said Act, to manage the affairs of the Company and generally to perform all the duties and to be invested with all the powers set forth in the said section, and conferred thereby upon the Provisional Directors therein mentioned, and to elect a President of such Provisional Board, and to hold office until an election of Directors shall be made, as hereinafter provided, and it shall and may be lawful for them, the said Provisional Directors, to resign their office as such Provisional Directors, or to add to their number by the choice or appointment of another or other Provisional Director or Directors to co-operate with and assist them in the management of the affairs of the said Company, and for the transaction of business; a majority of the said Provisional Directors shall be a quorum, and the said Provisional Directors shall have power to exercise all the powers and privileges conferred upon the Company until the Board of Directors hereafter provided to be appointed by the stockholders shall have been elected in accordance with the provisions hereafter made in that behalf.

Their powers.

Quorum.

3. The capital stock of the said Company may be extended to forty millions of dollars, to be held in two hundred thousand shares of two hundred dollars each, and the books of subscription therefor may be opened at such places in this Province or in Great Britain, and at such time after the passing of this Act as the Provisional Directors herein named shall appoint, and all persons (subjects of Her Majesty or others) may subscribe for any number of shares within the amount of the said capital stock; and no person shall be eligible to be elected a Director, who is not a holder of at least forty shares of the capital stock of the said Company.

Capital stock may be increased.

Qualification of Directors.

4. So soon as one million dollars of the said capital stock shall have been subscribed and ten per cent. paid thereon or its equivalent, it shall and may be lawful for the subscribers thereof, or a majority of them, to call a meeting of such subscribers for the purpose of electing seven Directors, who shall constitute a Board to manage the affairs of the said Company, and at such meeting and all meetings of the shareholders, every subscriber for shares shall have a number of votes corresponding to the number of his or her shares, that is to say: one vote for every share so held by him or her.

First meeting for Election of Directors.

Votes.

5. Any person or persons or bodies corporate subscribing and paying the sum of fifty dollars and upwards, towards the preliminary expenses incurred in carrying out this Act, shall on producing a voucher to that effect, duly authenticated by the Chairman, be allowed the same amount on account of a share or shares subscribed by him, her or them previous to the election of directors by the shareholders as hereinbefore provided; and the Chairman or President for the time being may, as Trustee, receive

Rights of persons raising money to pay preliminary expenses under this Act.

receive, hold and dispose of, any sum or sums of money, stocks or other property that may be or have been bequeathed for the use of the said Company, and a list of such bequest or bequests, gift or gifts shall be printed, published, registered and kept in the head office of the said Company.

Who may use
the Canal.

6. All persons whomsoever shall have full liberty to use the said canal and the rivers and lakes forming portions thereof, with any ships, boats, schooners, rafts, vessels, or craft suitable for the navigation thereof; also to use the towing-paths thereof with horses for drawing and hauling such ships, boats, vessels or crafts, upon the payment of such rates and dues as shall be established by the said Company as aforesaid.

Preliminary
expenses to be
first paid.

7. All reasonable and preliminary expenditure incurred in obtaining this amended Act, and in the formation or establishing of the said corporation in future, shall be first paid from the funds of the Company by a vote of the Provisional Board of Directors.

New corporate
name.

8. From and after the passing of this Act the corporate name of the said Company shall be "The Huron and Ontario Ship Canal Company," instead of "The Toronto and Georgian Bay Canal Company."

Time for com-
mencement
and completion
of the work.

9. The time limited for the completion of the work of the proposed canal shall be, and hereby is, extended to ten years; the said work to be commenced within one year from and after the date of the passing of this Act.

Public Act.

10. This Act shall be deemed a Public Act.

CAP. LXXIX.

An Act to amend and extend the Acts relating to the Cobourg and Peterborough Railway Company.

[Assented to 18th September, 1865.]

Preamble.
25 V. c. 68.

WHEREAS, in pursuance of the Act intituled: *An Act to make further provisions relating to the Cobourg and Peterborough Railway Company*, passed in the twenty-fifth year of Her Majesty's Reign, certain arbitrators were appointed for the purposes therein named, who afterwards made their award declaring the value of the properties and franchises of the said Company, which said award was set aside by the Court of Chancery; And whereas it is desirable that litigation should cease, and that the value of the properties and franchises aforesaid should be ascertained and defined by this Act, and it is also desirable that the said Act of the twenty-fifth

Award under it.

Victoria

Victoria should be otherwise amended : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The sum of one hundred thousand dollars shall be the true value of all the said franchises and properties of the Company, and shall be in lieu of the said award to all intents and purposes according to the requirements of the said Act.

Value of franchises and property of Company fixed.

2. The said sum shall be paid into the Court of Chancery, in manner following—fifty thousand dollars, part thereof within two years from the passing of this Act, with interest, and the remainder within four years, with interest from the said date ; and the said money shall be distributed by the said Court in the proportions and according to the priorities following, that is to say, towards payment of the bondholders rateably, the sum of twenty-five thousand dollars out of the first payment so to be made, and forty-five thousand dollars out of the second payment so to be made, and the residue of the moneys to be paid rateably to the parties claiming for unpaid right of way and depot grounds, and other registered incumbrances prior to the mortgage mentioned in the tenth section of the said Act of twenty-fifth Victoria ; Provided always, that if the amount due for unpaid right of way and other registered incumbrances prior to the said mortgage, shall exceed thirty thousand dollars, the excess shall be recoverable against the said Company, after the expiration of the said period of four years, but all other claims and demands whatever against the said Company, are declared to be finally extinguished.

The said sum to be paid into Chancery, &c., when and how to be dealt with.

Proviso : as to incumbrances, and unpaid right of way.

3. Upon the deposit by the said Company, in the said Court, of ten thousand pounds sterling of Cobourg Town Trust Debentures, duly issued under the provisions of the Act twenty-six Victoria, chapter forty-eight, to be held as security for the due payment of the first instalment, and which are to be liable in case of default, to forfeiture for the benefit of the bondholders and creditors, then and immediately thereafter, the railway, its properties and franchises, shall revert absolutely to, and become the property of the said Company, as organized by the original Act of incorporation, subject, nevertheless, to payment of the said sum of one hundred thousand dollars and interest thereon, which sum shall stand as a first charge on the said Railway, and the Company shall thenceforth be governed by the original Act of Incorporation passed in the sixteenth year of the Reign of Queen Victoria, chapter forty, and by the said Act of twenty-fifth Victoria, as amended and extended by this Act, which shall then and thereafter be in full force and effect.

On deposit of £10,000 stig. Railway, &c., to revert to Company.

Subject to certain charges; original charter to apply.

4. The tenth section is repealed, and the following substituted therefor :

Sect. 10 repealed.

On such deposit, a certain mortgage in favor of W. Proudfoot, to be assigned as security.

Proviso.

"Upon deposit of the Debentures hereinbefore referred to, a certain mortgage held over the Railway by William Proudfoot, Esquire, as Trustee for the Bondholders, shall be assigned to such person or persons as the Town Council of the Town of Cobourg shall appoint, to be held as security for the said Debentures; but such security to be a second charge on the Railway, its franchises and properties after the said one hundred thousand dollars; Provided always that the said assignment may be made by order of the Court of Chancery, by any officer of that Court in the event of the absence from the Province, illness, death or incapacity of the said William Proudfoot."

Sect. 11, amended.

5. The eleventh section is amended by striking out the words "whichever shall first happen after the satisfaction and discharge of the award as hereinbefore provided," and substituting therefor the words "whichever shall first happen after the passing of this Act and the deposit of the said Debentures."

Proceedings on failure of payment by Company.

6. On failure of payment of the said moneys, or any part thereof, the parties interested may proceed to the Court of Chancery to sell the Railway, together with all its works, as fully and amply as if the same were charged by mortgage in the first instance.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L X X X .

An Act to extend the time for the completion of the Canada Central Railway.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Canada Central Railway Company have prayed for an extension of the time limited to them for the completion of the said Railway, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Time for commencement and completion of Railway extended.

1. The time for the commencement of the Railway which the Company is authorized by its charter to construct, is extended for the period of three years from the passing of this Act, and the period for the completion of the said Railway is extended for the period of five years from the passing of this Act, and the said company during the said periods shall and may have, enjoy, exercise and enforce all the rights, powers, claims, franchises and privileges heretofore granted to or conferred on or held, possessed or enjoyed by the said Railway Company, by, under, or by virtue of the Act relating to the said Railway Company, or any Acts in any wise affecting the same;

same ; provided always, that nothing herein contained, shall infringe upon, or in any wise vary or diminish the rights of the Vaudreuil Railway Company, under the provisions of section six of the Act twenty-fourth Victoria, chapter eighty, incorporating the Canada Central Railway Company.

Proviso : as to Vaudreuil Railway.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I .

An Act to authorize the Cobourg and Peterborough Railway Company to construct a Tramway or Railway from the Marmora Iron Works to the River Trent, or to Rice Lake, and for other purposes.

[Assented to 13th September, 1865.]

WHEREAS the Cobourg and Peterborough Railway Company have petitioned for power to establish a line of water communication between Harwood on Rice Lake, and some point on the River Trent, and to construct a tramway or railway from the River Trent to Marmora, so as to connect with the Marmora Iron Works ; and whereas, it is advisable to grant the said powers as well as other powers incidental thereto, or connected with the same subject : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said Cobourg and Peterborough Railway Company are authorized to build, purchase, possess and hold one or more vessels to be propelled by steam or other power, with all such necessary scows, boats and barges as may be required to be used and employed on the waters of Rice Lake and the River Trent, by the said company, for the purposes, and in connection with the objects and undertakings referred to in this Act.

Company may own Steamers, &c., on Rice Lake and River Trent.

2. The said Company are authorized to construct a tramway or railway, to run from any point on the River Trent to any other point or points in the Township of Marmora, and to purchase, acquire and hold all necessary locomotives, rolling stock, matters and things which may be required, and to use the same to carry iron and other ores, merchandise and materials to and from the said township of Marmora.

May make Branches to Marmora.

3. The following clauses of " the Railway Act " are incorporated with this Act, that is to say, the first, second, third and fourth clauses thereof, and the clauses relating to " Powers, Plans and Surveys, Lands and their valuation," except in so far as they may be inconsistent with this Act.

Certain clauses of Railway Act to apply.

Union with
Marmora Iron
Company
authorized for
certain pur-
poses.

4. The Cobourg and Peterborough Railway Company are authorized to unite with the Marmora Iron Company, with the consent of a two-thirds majority of the shareholders and proprietors of each of the said Companies, for the purpose of mining for ores, minerals, marble and any other valuable substances, and of smelting any such ores and mineral substances, and of carrying and conveying the same to market by the said route, and generally for all the purposes of this Act, and any provisional or final agreement between the said companies, with the consent of such majority of the shareholders, shall be binding.

Further conso-
lidation of the
two Com-
panies.

5. The said companies may, for the more effectual carrying into effect of the said union, consolidate their respective debts and unite their stocks, properties and effects, and on such terms, either of complete or partial union, and either of joint, or separate, or absolute, or limited liabilities to third parties, and either absolutely or for a term, and either for the whole or any one or more of the objects of the said Companies respectively, or of this Act, as such Companies shall deem meet, and any deed or agreement under the seals of the said Companies, ratified by the shareholders as aforesaid, shall be valid and binding to all intents and purposes in the same manner as if the same had been incorporated with this Act, from and after the same shall have been filed in the Registry Offices of the West Riding of Northumberland and the North Riding of Hastings, and the publication of notice thereof for two weeks in the *Canada Gazette*.

Deed of
agreement.

Registration
and publica-
tion.

Powers of the
Companies not
to be affected,
&c.

Debentures.

6. All the powers of the said Companies respectively shall continue to be held by them as fully and amply as if this Act had not been passed, and the said Companies are empowered to pledge their credit and properties for any such joint object as shall have been ratified by the shareholders, and may issue their joint, or joint and several debentures, in accordance with any such agreement so filed as aforesaid, which shall be binding, and they may charge their respective properties therefor, subject to any existing liens or charges thereon, such debentures to be for sums not less than one hundred dollars respectively.

Public Act.

7. This Act shall be deemed a Public Act.

C A P. L X X X I I .

An Act to incorporate the Mount Royal Railway Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the persons hereinafter named and others, have, by their petitions to the Legislature, prayed that an Act may be passed authorizing the construction of a line of Railway between certain points adjoining the limits of the city of

of Montreal, by way of Côte St. Catherine, Côte des Neiges, Côte St. Luke and Côte St. Antoine ; And whereas such a Railway would greatly tend to the improvement of the neighborhood and to the convenience of the people of the said city and its environs, and it is therefore expedient to grant the prayer of the said petition and to incorporate the said persons for the purpose of carrying the same into effect : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Haviland L. Routh, L. Chaput, Henry Bulmer, Alfred Perry, Joseph Barsalou, Victor Hudon and John Pratt, together with such other persons, corporations and municipalities as shall, under the provisions of this Act, become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Mount Royal Railway Company."

Certain persons incorporated.

Name.

2. The several clauses of the Railway Act with respect to the first, second and third clauses thereof ; and also the several clauses of the said Act with respect to " Interpretation," " Incorporation," " Powers," " Plans and Surveys," " Lands and their valuation," " General Meetings," " President and Directors, their Election and Duties," " Calls," " Shares and their transfer," " Shareholders," " Actions for Indemnity" and " Fines and Penalties and their prosecution," " By-laws," " Notices" and " Working of the Railway," and " General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except in so far as may be inconsistent with the express enactments hereof ; and the expression " this Act," when used herein, shall be understood to include the said mentioned provisions of the Railway Act incorporated with this Act as aforesaid ; Provided always, that the subsections of the Railway Act relating to " lands and their valuation" and any other provisions of the said Act, which authorize the taking of or entering on lands without the consent of the owner thereof, shall not apply to the Company ; and provided further that before the Company enters upon the construction of the said Railway, the plans and surveys therefor shall be approved of by the Board of Railway Commissioners.

Certain portions of Railway Act incorporated with this Act.

Proviso.

Proviso.

3. The said Company and their servants and agents shall have full power under this Act to lay out, construct and complete a line of Railway from such point without the limits of the city of Montreal, at or near the St. Lawrence Toll-gate, by way of Côte St. Catherine, Côte des Neiges, Côte St. Luke and Côte St. Antoine, to the limits of the said city of Montreal, at or near the St. Antoine Toll-gate, as the Company may deem expedient.

Company may construct a Railway from St. Lawrence Toll-Gate to St. Antoine Toll-Gate.

May use public roads.

Proviso.

4. For the purposes aforesaid the Company may run their Railway along the side of any road now occupied, held or used by the Trustees of the Montreal Turnpike Trust; Provided always, that there shall be a space of at least seventeen feet between the side of such Railway track, and the centre of such road, but the Company shall not be permitted to use steam-power upon the said Railway.

May run omnibusses, &c., paying tolls.

5. The said Company may run stages, omnibusses and sleighs on the said Turnpike Roads, provided however, that the Company shall pay to the said Turnpike Trustees, such fees or tolls as may be lawfully exacted thereon.

Governor in Council to fix tolls for passengers to Turnpike Trust.

Proviso: for commutation.

6. The Governor in Council is hereby authorized and empowered, from time to time, by an order in Council, to impose and fix such toll upon each and every passenger carried by the Railway, to be paid by the Railway Company to the Trustees of the Montreal Turnpike Trust, as to him shall seem fit, and such tolls shall be a first charge upon the earnings of the said Company, after the deduction therefrom of the running expenses thereof; Provided however, that it shall be lawful for the Company to pay instead of such tolls to the said Turnpike Trustees such commutation in lieu thereof as from year to year may be agreed upon between the Company and the said Trustees; but such agreement shall be subject to the approval of the Governor in Council.

Railway commissioners to make regulations as to fences.

7. The board of Railway Commissioners shall have power to make such regulations with regard to the construction of fences, by the Company, as they may deem the safety of the public to require, and the Company shall be bound to comply with such regulations upon notice thereof, and for every act of non-compliance therewith, the Company shall forfeit to Her Majesty the sum of one hundred dollars.

Form of deeds to Company.

Deeds to be registered.

8. Deeds and conveyances for the land to be conveyed to the said Company under this Act, may be in the form given in the schedule marked A, hereunto annexed, and all Registrars are hereby required to record such deeds on the production thereof, and proof of execution without any memorial, in Registry Books, to be furnished by and at the expense of the said Company, with copies of the form given in the said schedule A, one to be printed on each page, leaving the necessary blank to suit the circumstances of each separate conveyance, and to minute every such entry on the deed, the sum of fifty cents being first paid to the Registrar by the party requiring the same to be recorded, and such registration shall be valid in law.

Provisional Directors.

9. The above-mentioned persons shall be the provisional Directors of the said Company for carrying into effect the objects and purposes of this Act.

10. When and so soon as shares to an amount equivalent to one hundred thousand dollars in the capital stock of the said Company shall be taken, and ten per centum thereon shall have been paid into some one of the Chartered Banks of this Province, it shall and may be lawful for the provisional Directors of the said Company for the time being, to call a meeting at the said city of Montreal, of the subscribers for stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; provided always, that if the said provisional Directors shall neglect or omit to call such meeting, then the same may be called by any two of the holders of shares in the said Company, holding among them not less than an amount equivalent to two thousand dollars; and provided always, that in either case, public notice of the time and place of holding such meeting, shall be given during one month, in some newspaper published in the said city of Montreal, in the English language, and also in some newspaper published in the said city in the French language; and at such general meeting the Shareholders assembled, with such proxies as shall be present, shall choose seven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount not less than one thousand dollars, and shall proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act; and, provided also, that such ten per centum shall not be withdrawn from such Bank or otherwise applied except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever.

First meeting of subscribers, when to be held.

Proviso.

Proviso.

First election of Directors.

By-laws to be passed.

Proviso: 10 per cent. to be paid up.

11. The Directors so elected, or those appointed in their stead, in case of vacancy, shall remain in office until the second Wednesday in January, which shall happen not less than six months after such election; and on the first Wednesday in January in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose Directors and generally to transact the business of the Company; but if at any time it should appear to any three or more of such Shareholders, holding together sixty shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such three or more of them to cause ten days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, or in such manner as the Company shall by By-law direct or appoint, specifying in such notice the time and place and the reason and intention of such special meeting respectively, and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them with respect to the matters so specified only, and all such acts of the Shareholders or a majority of them, at such special meetings assembled, shall be

Term of office of Directors.

Annual General Meeting.

Special General Meetings.

Powers of such special meetings.

be as valid to all intents and purposes as if the same were done at annual meetings.

Capital stock.

Proviso: for increase.

12. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, the Directors of the said Company for the time being, may raise, by subscriptions of stock, the sum of two hundred thousand dollars, divided into four thousand shares of fifty dollars each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for in those clauses of the Railway Act which, in and by the second section of this Act, are expressed to be incorporated with this Act.

Scrip and share certificates.

Application of capital.

13. The Directors of the said Company for the time being, may make, execute and deliver all such scrip and share certificates, as to the said Directors for the time being shall from time to time seem most expedient, for raising the said sum or for raising any part thereof, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money, shall be applied towards the acquisition, in the manner herein directed, of the lands necessary for the purposes of the said Railway, and the lands to be occupied by the same, and the buildings in connection therewith, and also towards the making, completing and maintaining the said Railway, and providing it with rolling stock, and to the other purposes of this Act, and to no other purposes whatever.

Company may raise loan on debentures.

14. The Directors of the said Company shall have the power, when duly authorized thereto by a vote of the majority of the stockholders in the said Company present at any special general meeting, duly convened for that purpose, or at any general meeting, to issue bonds, debentures, or other securities in sums of not less than one hundred dollars, signed by the President or Vice-President, and countersigned by the Secretary and Treasurer, and sealed with the seal of the Company, for the purpose of raising by loan any amount, not exceeding in the whole two hundred thousand dollars.

Debentures; form, &c.

15. All debentures and other securities of the said Railway Company may be payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividend and interest warrants or coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names, and the said debentures may be in the form contained

contained in Schedule B, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothèque upon the said Railway and the lands and property thereof, and the debentures and mortgages and hypothèques thereby created, shall be to all intents and purposes binding upon the said Company in favor of the holders of the debentures, and have the effect of mortgaging and charging all the land and property of the said Company, without any more formal or particular description than that contained in the said Schedule B, and shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short, all the immovable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding, and such debentures may be made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain or elsewhere, as the Directors of the said Company may see fit.

To carry a hypothec on Railway, &c.

16. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the members of the said Company are to be given, to one vote for every share held by him.

Votes.

17. Any meeting of the Directors of the said Company, at which not less than four of such Directors shall be present, shall be competent to exercise and use all and every the powers hereby vested in the said Directors, and the said Board of Directors may employ one or more of their number as paid Director or Directors.

Meeting of Directors.
Quorum.

18. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of twenty per centum upon the amount subscribed for by the respective shareholders in the said Company; Provided also, that upon the occasion of any person or corporation, becoming a subscriber for stock in the said Company, it shall and may be lawful to demand and receive to and for the use of the said Company, the amount of such calls as shall have already been made payable in respect of the stock then already subscribed for by the respective shareholders in the said Company at the time of such person or corporation respectively subscribing for stock.

Calls, how made, &c.

Proviso: as to new subscribers after calls.

19. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherein such deposits

Recital.

Company may purchase and hold lands for stations, gravel pits, &c.,

deposits may be found : therefore, it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way through, any lands, tenements, and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey to, and to the use of or in trust for the said Company, their successors and assigns ; and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time, by deed of bargain and sale, or otherwise, to grant, bargain, sell, or convey any portions of such land not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage, the said Railway and other works connected therewith.

Company may make arrangements as to fences, &c.

20. The Company may enter into an agreement with any proprietor or proprietors of land over whose property the said Railway may pass, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings, or cattle guards, and as to the consequence of the neglect of keeping the same or any of them in repair, and such agreement being registered in the Registry Office for the County wherein the land is situated, shall be binding as well on the then proprietors of such land, as on their successors, according to the terms and purport of such agreement ; provided always, that nothing in this section shall be considered as preventing the laws of prescription from applying to these transactions according to the usual course of the law in Lower Canada.

Forfeiture for non-completion of Railway.

21. If the Railway is not finished and put into operation, in two years from the passing of this Act, the corporate existence and powers of the Company shall cease.

Act not to affect privileges under 24 V. c. 84, &c.,

22. Nothing in this Act contained shall be construed to affect or impair in any wise the privileges granted under the Act chapter eighty-four of the twenty-fourth Victoria, intituled : *An Act to incorporate the Montreal City Passenger Railway Company*, or under the By-law of the Corporation of the City of Montreal, numbered two hundred and sixty-five, to the Montreal City Passenger Railway Company.

Company may enter into agreement with Montreal City Passenger Railway Company.

23. The Company is hereby authorized and empowered to enter into an agreement with the Montreal City Passenger Railway Company, on such terms and conditions as may be agreed upon, for the acquisition of any of the rights, privileges or rights of way of the said last mentioned Company, or for leasing

leasing any portion of their railway, or for uniting or for intersecting their railways, or for agreeing upon traffic arrangements and granting facilities therefor; and the Board of Directors of the said two companies may enter into any such agreements.

24. If hereafter the said Companies shall, on such terms as shall be agreed upon between the Directors thereof, unite, the corporate name and existence of the Montreal City Passenger Railway Company, shall be merged in that of the Mount Royal Railway Company, and the said Mount Royal Railway Company, by that name or by such other name as shall be adopted by the united Companies, and as shall be designated in the said agreement, shall thereafter include the Railway and Works which the said Montreal City Passenger Railway Company is authorized to construct, and the Company shall be possessed of all the rights, franchises and privileges, and be subject to all the liabilities and obligations of the said Montreal City Passenger Railway Company; Provided always, that no such agreement shall have force or effect unless the same be ratified at a Special General Meeting of the Shareholders of each of the said Companies, duly called for the purpose of considering the said agreement, and ratifying or disallowing the same, and if at such meeting of the Shareholders of each of the said Companies respectively, three-fourths or more of the votes of the shareholders attending the same, either in person or by proxy be given for ratifying the said agreement, then the same shall have full effect accordingly as if all the terms and clauses thereof not inconsistent with this Act or with law, were enacted in an Act of the Legislature of this Province; and provided further that such union shall in no wise affect or interfere with the liability of the Mount Royal Railway Company, as defined and set forth in the sixth clause hereof.

Or may unite
with the said
Company.

Provide: how
such union may
be agreed
upon.

Provide.

SCHEDULE A.

Know all men by these presents that I do hereby in consideration of _____ paid to by the Mount Royal Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said Mount Royal Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate _____ the same having been selected and laid out by the said Company for the purpose of their Railway; to have and to hold the said land and premises together, with everything appertaining thereto, to the said Mount Royal Railway Company, their successors and assigns for ever.

In witness whereof, &c.

SCHEDULE

SCHEDULE B.

MOUNT ROYAL RAILWAY COMPANY.

This Debenture witnesseth that the Mount Royal Railway Company, under the authority of the Act passed by the Parliament of Canada, in the twenty-ninth year of Her Majesty's Reign, intituled: *An Act to incorporate the Mount Royal Railway Company*, have received from _____ of _____ the sum of _____ as a loan, to bear interest from the date hereof at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____, which sum of _____ the said Company bind and oblige themselves to pay on the _____ to the said _____ or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid, on the production of the coupons therefor, which now form part of the Debenture; and for the due payment of the said sum of money and interest, the said Company, under the power given them by the said Act, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: all their Railway extending from its terminus near the _____ at _____ in the _____ of _____ to its terminus at _____ in the _____ of _____ together with all and singular the stations, station-houses, turn-outs, sidings, and appurtenances thereto belonging.

In testimony whereof, _____ President of the said Company, hath set and affixed his signature, and the common seal of the said Company, at _____ this _____ day of _____ one thousand eight hundred and sixty-

CAP. LXXXIII.

An Act to extend the time for the completion of the Brockville and Ottawa Railway, and for other purposes.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Brockville and Ottawa Railway Company have represented that they have, during the last year, completed the construction of that portion of their Railway lying between Brockville and Arnprior, and have prayed for an extension of the time limited to them for the completion of the said Railway from Arnprior to Pembroke, and for certain other amendments to the Acts incorporating and relating to the said Company, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Time for
completion
extended.

1. The time for the completion of the construction of the portion of the Railway lying between Arnprior and Pembroke

is

is extended for the period of five years from the passing of this Act, and the said Company shall and may have, enjoy, exercise and enforce all the rights, powers, claims, franchises and privileges granted to or conferred on, or held, possessed, or enjoyed by the said Railway Company, by, under or by virtue of the Acts relating to the said Railway Company or any of them, or any Acts in any wise affecting the same, including amongst the other Acts relating to the said Railway Company, an Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled : *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec* ; and also another Act, passed in the twenty-fourth year of Her Majesty's Reign, intituled : *An Act to incorporate the Canada Central Railway Company*, and to amend an Act intituled : *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec*. 19, 20 V. c. 112.
24 V. c. 80.

9. The words "by the Railway Company in the proportion of the moneys retained by the Government from the said municipalities respectively" shall be substituted for the words "in the proportion of the amounts loaned and advanced by them to the Railway Company respectively," in the thirteenth section of the Act twenty-seventh Victoria, chapter fifty-seven, which said last-mentioned words were inserted in the said section by error ; and the aforesaid words shall be used and taken to be part of the said section. Error in 27 V.
c. 57, corrected.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I V .

An Act to incorporate the Windsor and Sandwich Street Railway Company.

[Assented to 18th September, 1865.]

WHEREAS the persons hereinafter named have, by their Preamble. petition, prayed that they may be incorporated under the title of the Windsor and Sandwich Street Railway Company, for the purpose of constructing and operating a Street Railway from the Town of Sandwich through the Town of Windsor to the Hamlet of Walkerville, in Sandwich East ; and whereas it is expedient to grant the prayer of the petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Hiram Walker, Gilbert McMicken, Samuel Smith Macdonell, George Fellers, James McKee, Charles Baby and Arthur Rankin, and such other persons as shall become shareholders of the said company, are hereby constituted a body corporate Company incorporated.

Name. corporate and politic, for the purposes herein mentioned, by the name of the "Windsor and Sandwich Street Railway Company."

Capital stock. 2. The capital stock of the company shall be one hundred thousand dollars, in shares of five dollars each.

When to commence operations. 3. The company may commence operations and exercise the powers hereby granted, so soon as twenty thousand dollars of the capital stock shall be subscribed, and twenty per cent. thereon paid up.

Line of railway and works. 4. The company are hereby authorized and empowered to construct, complete, maintain, and from time to time remove and change a double or single track iron railway, with the necessary side tracks, switches, turn-outs and other appliances for the passage of cars, carriages and other vehicles adapted to the same, upon and along Sandwich street, from the Court House, within the Town of Sandwich, through the Town of Windsor to the Hamlet of Walkerville, and to take, transport and carry passengers upon the said railway, and to construct and maintain all necessary works, buildings and conveniences therewith connected.

Power to use certain streets and highways. 5. The company shall have full power and authority to use and occupy the streets or highways known as Sandwich street, and being the travelled highway leading from Sandwich to Walkerville, or such part thereof as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages; provided always, that the consent of the several municipalities respectively, through which the said railway passes, shall be first had and obtained, who are hereby respectively authorized to grant permission to the said company to construct their railway as aforesaid, within their respective limits, across and along, and to use and occupy the said streets or highways, or any part thereof, for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the company and the municipalities aforesaid, or any of them; and also subject to an agreement to be made with the Sandwich and Windsor Gravel Road Company, for the use of that portion of the said highway at present under their control.

How rails are to be laid. 6. The rails of the railway shall be laid flush with the street and highway, and the railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways;

Gauge. and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the company, and in all cases any carriage or vehicle coming in the opposite direction to the cars, shall be required to turn off the tracks.

7. The affairs of the company shall be under the control of and shall be managed and conducted by a Board of Directors, of not less than three nor more than seven, each of whom shall be a stockholder to an amount of not less than one hundred dollars, and shall be elected on the first Monday of December, of any year, at the office of the company, and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote ; and stockholders not personally attending, may vote by proxy, and the directors so chosen, shall, as soon as may be, elect one of their number as president, which president and directors shall continue in office one year, and until others shall be chosen to fill their places ; and if any vacancy shall at any time happen in the office of the president or directors, the remaining directors shall supply such vacancy for the remainder of the year.

Board of Directors.

Elections.

Votes.

President, &c.

Vacancies.

8. Hiram Walker, Gilbert McMicken, Samuel Smith Macdonell, George Fellers, James McKee, Charles Baby and Arthur Rankin, shall be the first directors of the company, and may elect from amongst themselves the first president thereof, and shall severally hold their offices until the first Monday of December next after the company go into operation.

First directors

9. The directors of the company shall have full power and authority to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary touching the well-ordering of the company ; the number of directors ; the acquirement, management and disposition of its stock, property and effects, and of its affairs and business ; the entering into arrangements and contracts with the said municipalities and the said Sandwich and Windsor Gravel Road Company ; the declaration and payment of dividends out of the profits of the said company ; the form and issuing of stock certificates and the transfer of shares ; the calling of special and general meetings of the company ; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company ; the fares to be received from persons transported over the railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company.

Directors may make by-laws for certain purposes.

General powers.

10. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by law direct.

Stock to be personal estate.

11. If the election of directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose ; and all acts of directors until their successors are elected, shall be valid and binding upon the company.

Provision in case of failure of election.

Real estate.

12. The company may purchase, lease, hold or acquire, and transfer any real or personal estate necessary for carrying on the operations of the company.

Power to borrow a limited sum.

13. The directors of the company may, from time to time, raise or borrow, for the purposes of the company, any sum or sums not exceeding in the whole fifty thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they think proper, and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon; provided always, that the consent of three fourths in value of the stockholders of the company, shall be first had and obtained at a special meeting to be called and held for that purpose; provided also, that the said company shall not be authorized at any time to raise or borrow a sum exceeding the amount of capital stock then paid up.

Proviso.

Proviso.

Municipalities interested empowered to treat with company, and pass By-laws accordingly.

14. The municipalities of the towns of Sandwich and Windsor, and of the townships of Sandwich East and Sandwich West, and the said company, are respectively hereby authorized to make and enter into any agreement or covenants relating to the construction of the said railway, and of the works connected therewith, and the running of the cars, subject to the restrictions contained in this Act, within their respective limits; to pass any by-law or by-laws, and when all parties concur, to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass; provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the said company by this Act.

Proviso.

Power to acquire right of way from Windsor Gravel road company.

15. The Windsor and Sandwich Street Railway Company are hereby authorized to enter into an agreement with the Sandwich and Windsor Gravel Road Company, on such terms and conditions as may be agreed upon between the said companies for permission to lay a single railway track with the necessary side tracks, switches, turn-outs and other appliances for the passage of cars upon and along that part of Sandwich street, or the highway leading from Sandwich to Windsor under its control, or to acquire wholly the ownership of the said Gravel Road; and in the event of the said Street Railway Company acquiring the ownership of the road, they shall have all the powers and privileges, and be subject to all liabilities of the original Road Company; provided always, that the consent of shareholders holding at least sixty per cent. of the stock of the Sandwich and Windsor Gravel Road Company must

Proviso.

must be obtained before the Street Railway Company hereby incorporated can proceed with the construction of their Railway.

16. No shareholder of the said company shall be liable under this Act for any default or obligation whatever of the company, or for any engagement, claim, payment, loss, damage, transaction, matter or thing soever, relating or attaching to the said company, beyond the amount of his share in the capital stock of the said company.

Liabilities of shareholders limited.

17. This act shall be void unless one mile at the least of the said Railway be constructed and put in use, within four years from the passing of this Act.

Period within which work must be begun.

18. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X V .

An Act to amend the Acts relating to the International Bridge Company.

[Assented to 18th September, 1865.]

WHEREAS the International Bridge Company have petitioned to have the Acts relating to the incorporation of that Company amended, by giving the Shareholders power, by Resolution, at their next General Meeting, to reduce the number of their Directors, to have the quorum of the Directors for the transaction of business reduced, and to authorize the Directors to vote by proxy, and to authorize the holding of the meetings of the Shareholders and Directors respectively, at such place and places in this Province and elsewhere, as may be found most convenient, and for other purposes; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. At the next General Meeting of the Shareholders of the International Bridge Company, it shall be lawful for the Shareholders of the said Company, if they think proper to do so, to pass a Resolution reducing the Directors of the said Company to any number not less than five; and from and after the passing of the said Resolution, the number of Directors named in the said Resolution, shall be the number of Directors of the said Company; and such number only shall be elected at the election of Directors held next after the said Resolution is passed; provided always, that the said Resolution shall, at such meeting, have the assent of those holding at least two thirds in amount of the subscribed shares

Number of Directors may be reduced by Resolution of meeting of shareholders.

Proviso.

shares in the said Company present in person or by proxy, voting at the meeting at which the said Resolution is passed.

Majority of Directors to be a quorum.

2. From and after the passing of this Act, the quorum of the Directors of the said Company shall be a majority of the Board present in person or by proxy ; anything to the contrary in any Act notwithstanding.

Directors may vote by proxy.

Province.

3. After the passing of this Act, the Directors of the Company may vote at any meeting of the Board by proxy ; but to constitute a Board meeting, three Directors must be present in person.

Meetings may be held anywhere.

Notice of meetings.

4. Notwithstanding anything in the Acts relating to the incorporation of the said Company, the meetings of the Shareholders of the said Company, and also of the Directors, may be held in such place and places in Canada, or elsewhere out of it, as the Directors may think most convenient, and as they may, from time to time, order ; and the notice of any meeting of Shareholders for any purpose, may be given by publication in the *Canada Gazette*, and in one daily paper in Toronto, and one in the City of London, England, for the time at present required by the said Acts for the calling of such meetings.

C A P . L X X X V I .

An Act to incorporate the Longueuil Navigation Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Edouard Lespérance and Isidore Hurteau have, by their humble petition, represented that an association was formed in the Parish of Longueuil, in the month of August, one thousand eight hundred and sixty-five, under the name and style of the "Lespérance and Hurteau Steamboat Company," in which they are sole shareholders, with the view of promoting the public interest, by providing for the inhabitants of the District of Montreal and its environs, the advantages of a ferry by steam navigation across the River St. Lawrence from some point on one bank of the River St. Lawrence to some point on the other in order to reach the City of Montreal or other places, or to any other point which may be considered advisable, and by enabling them to profit by the advantages conferred, by the construction of the wharves and landing places already built, or which may be hereafter built by them upon the line on which their Steamboats run, upon a part of the population of this Province as regards the agricultural and commercial traffic of the inhabitants of the South Shore of the River St. Lawrence with the City of Montreal and other places ; and whereas the object of the said Company is to facilitate and promote the inland navigation of the Province, and the said Company have prayed that, to enable them to avoid

avoid certain inconveniences, they may be incorporated : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Edouard Lespérance, Isidore Hurteau, and all others who shall hereafter become subscribers or shareholders in the said Company and all or any other person or persons, bodies politic or corporate who, as executors, administrators, successors and assigns or by any other lawful title may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate for the purposes mentioned in the preamble to this Act, under the name and style of the "Longueuil Navigation Company," and shall by that name have perpetual succession, and by the same name be capable of suing and being sued in all Courts of Justice in this Province ; The said Company may make, establish and put into execution, alter or repeal all By-laws, rules, ordinances and regulations, the same not being contrary to the Laws of this Province nor to the provisions of this Act, as may appear to them necessary or expedient for the management of the business of the said Company ; and may moreover regulate and fix the time of all calls on shares to be made by the Directors, and may also fix the interest and dividends to be thereon paid ; and if such calls so made by the Directors upon the shareholders in the manner prescribed by the By-laws of the said Company are not paid when they fall due, the directors may, instead of suing for the recovery thereof, by a By-law to that effect, sell the shares upon which such calls are due and unpaid, and may transfer them to the purchaser in the same way as the owner might have done, and the balance of the purchase-money, after deducting all calls due, together with interest and the costs of sale shall be paid over to the owner of the shares sold ; all the movable and immovable property, rights and actions belonging to the said "Lespérance and Hurteau Steamboat Company," shall be and they are hereby transferred to the said Corporation, and from and after the passing of this Act, the said Corporation shall be the proprietor thereof, and of all other movable property and effects which the said Corporation may hereafter acquire, and all the debts and obligations of the said "Lespérance and Hurteau Steamboat Company" shall be acquitted and performed by the said Corporation ; Provided always that no By-law, Ordinance, Rule or Regulation shall be in force until the same shall have been approved of by a majority of the Directors hereinafter mentioned or their successors, authorized to that effect at the annual general meeting of the stockholders of the said Company.

Certain persons incorporated.

Corporate name and powers.

Power to make by-laws.

Calls on stock.

Directors may sell shares for unpaid calls.

Transfer of rights and liabilities of present company.

Proviso.

2. The capital of the said Company is hereby limited to the sum of twenty-four thousand dollars in shares of ten dollars each ;

Capital of the company.

Capital may
be increased.

each; and such capital may be increased to an amount not exceeding in the whole the sum of one hundred thousand dollars in the like parts or shares, by the vote of a majority of the shareholders present at an annual or special meeting, notice of such intention having been given at least thirty days previous to such meeting in the manner prescribed by the By-laws of the Company.

Corporation
may hold real
estate.

3. The said Corporation under the name of the "Longueuil Navigation Company," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, and for such other necessary purposes in connection therewith as the said Company may deem expedient, at the different ports and places at which the steamboats belonging to the said Company shall touch, and may, at any time, sell, exchange and dispose of the same and purchase other property for the same purposes; Provided always, that the said Company shall not at any time possess real estate, the total value of which shall exceed the sum of sixty thousand dollars.

Provide: value
limited.

Directors.

4. The superintendence, control and management of the affairs of the said Company, shall be vested in five directors, which said directors shall respectively be holders of at least twenty shares in the said Company, which said shares shall be inalienable during their continuance in office; and such directors shall be elected between the first and twentieth days of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the directors, and notice whereof shall be given in one or more newspapers published in the City of Montreal at least ten days previous to the said election; and the said election shall be had and made by the shareholders of the said Company present at the said meeting, and all elections of directors shall be by ballot or by open vote as may be prescribed by the By-laws of the said Company; the directors elected shall meet every year within the fifteen days next after their election, and shall choose out of their number a President and a Vice-President and shall appoint a Secretary-Treasurer, and it shall be the duty of the said President to preside at all meetings of the stockholders or directors; the President may vote at all meetings of the directors, and in case of an equal division of votes, he shall also have a casting vote; any vacancy among the directors occasioned by death, resignation or absence from the Province, shall be filled by such person or persons as the remaining directors or a majority of them may appoint; three members of the Board of Directors of the said Company shall form a quorum thereof for the transaction of business, and the said Board may employ one or more directors as a paid director or directors.

Election of
Directors.

Notice of
Election.

Ballot.

President, &c.,
how chosen.

How to vote.

Vacancies how
filled.

Quorum.

Votes.

5. Each stockholder not in arrears in respect of any call, shall be entitled to as many votes as he hold shares in the capital stock of the Company, and which said shares he shall have

have held at least one month previous to the time of voting ; and no shareholder in arrears shall be entitled to vote at such election ; and all questions brought before the stockholders at any general or special meeting, shall be decided by a majority of the votes of the shareholders then present, subject in case of an equality of votes to the casting vote of the President.

Majority to decide questions.

6. The President, or in his absence, the Vice-President, or in their default or refusal to act, any two or more directors, may at any time and from time to time, call a meeting or meetings of the stockholders either for general or special purposes ; and every advertisement or notice calling a special meeting shall specify distinctly the purpose or purposes for which such meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such meeting.

Meetings of stockholders how to be called, &c.

7. If at any time it shall happen that an election of directors shall not be made when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same manner as the annual election of directors is herein provided for.

Provision in case of failure to elect Directors.

8. The stockholders shall not be liable as such, beyond the amount of their subscribed stock or the sum unpaid thereon.

Limited liability of shareholders.

9. The Board of Directors shall, for the management of the affairs of the Company, appoint such agents, captains or other officers as shall be necessary, and shall fix the salary and remuneration to be paid to them.

Appointment of agents, &c.

10. It shall be the duty of the Directors to make such yearly dividends of the profits of the said Company as to them or a majority of them shall seem fit ; and an exact and detailed statement shall every year, between the first day of January and the first day of February, be made of their affairs, debts, credits, profits and losses,—which statement shall be entered on the books of the Company,—which books shall be open to the inspection of any shareholder, and before paying and discharging such yearly dividends of the profit of the said Company ; and out of such dividends, the said Company shall be entitled to keep and retain a special and reserve fund to provide for the acquisition and construction of Steamboats and for the expenses and repairs of Steamboats belonging to the said Company, a clear statement whereof shall be given and kept by the Directors of the said Company to be entered upon the minutes of proceedings.

Division of profits and account.

Special and Reserve Fund.

11. The shares of the capital stock of the said Company shall be transferable, and may from time to time be transferred to others by the respective holders and owners thereof according

Transfer of shares.

Proviso.

Proviso: debts to company must be first paid.

to the form prescribed by Schedule A, hereunto annexed ; Provided always that the transferor and the transferee shall always be held personally liable to the said Company for all or any part of the shares by the transferor subscribed, and which shall be found to be due and owing by him at the time of such transfer ; and provided also that such transferor shall not be able to transfer, assign or alienate the whole or any part of any such shares by him subscribed, until he shall have paid to the said Company all and every such sums of money as he may owe to the Company, either for the whole or any part of the shares by him subscribed, and which he shall still owe at the time of such transfer, assignment or alienation, or for old accounts, promissory notes or otherwise.

Provisional Directors.

12. The said Edouard Lespérance, Isidore Hurteau and Ovide Dufresne shall continue in office as Provisional Directors of the said Company until the next annual general meeting of all the shareholders and the appointment of their successors as provided by this Act.

Service of process.

13. Any service of process made at the office of the said Company, in the said Parish of Longueuil, and in case the Company should have no office at Longueuil, then upon the President or Vice-President of the said Company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Shareholders officers, &c. to be competent witnesses in suits.

14. In any action or suit which may be brought by or against the said Company in respect of any contract or any matter or thing whatsoever, any shareholder, officer or servant of the Company shall be a competent witness, and his testimony shall not be declared inadmissible in consequence of his being an interested party or an officer or servant of the Company.

Directors may substitute an officer for the Company in certain legal proceedings.

15. In case of service upon the said Company of any writ of *saisie-arrêt*, or in case the said Company should be called upon to reply to *interrogatoires sur faits et articles*, or to take the *serment décisoire* or *supplétoire*, any officer of the Company, duly authorized to that effect by a vote or resolution of the Directors thereof, may appear and make a declaration in answer to such writ or reply to such *interrogatoires*, or take such oath, as the case may be, for the said Company ; and such declarations, replies and oaths, as the case may be, shall be deemed and held to be the declarations, replies or oaths of the said Company for all purposes whatsoever, and a copy of such vote or resolution, certified by the President, Vice-President or Secretary of the said Company, produced and filed in Court by one of the said officers, shall be sufficient evidence of his authorization as set forth in and by such copy.

Public Act.

16. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE A.

Referred to in the foregoing Act.

For value received from _____ of
 I (or we) do hereby transfer and assign to _____ of
 (name of place) _____ shares, on each of which has
 been paid _____ in the capital stock of the "Longueuil
 Navigation Company," subject to the rules and regulations of
 the said Company, hereby obliging myself (or ourselves) to
 fulfil the obligations imposed by the proviso contained in the
 eleventh section of the Act to incorporate the said Company.

In testimony whereof I (or we) have signed these presents at
 the office of the said Company, this _____ day of
 one thousand eight hundred and _____

(Signature of the Transferor or of his Attorney.)

} Witnesses.

I (or we) do hereby accept the foregoing assignment of
 shares in the capital stock of the "Longueuil Navigation
 Company" assigned to (as above mentioned) this
 day of _____ one thousand eight hundred and _____

(Signature of the Transferee or of his Attorney.)

CAP. LXXXVII.

An Act further to amend an Act intituled: "An Act
 to incorporate certain persons under the name of the
 Richelieu Company."

[Assented to 18th September, 1865.]

WHEREAS the Richelieu Company have, by their petition, Preamble.
 represented that no provision is made in their Act of
 incorporation in reference to the qualification of persons chosen
 as Directors, and they are desirous that the said Act should be
 amended so as to define and establish the said qualification,
 and also in other respects; and it is expedient to grant their
 prayer: Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Council and Assembly of Canada,
 enacts as follows:

1. No person shall be qualified to be elected or to hold office Qualification of
Directors.
 as a Director, unless he shall hold, in his own name, twenty
 shares in the Capital Stock of the Company, on which all calls
 shall

Proviso.

shall have been duly paid ; provided, however, that this clause shall not go into operation until the next annual and general meeting of the Stockholders, to be held after the passing of this Act.

Number of votes to which each shareholder is entitled.

2. The fifth section of the said Act is hereby repealed, and the following substituted therefor : " Each stockholder shall be entitled, at all general or special meetings of the Company, to one vote for every share which he shall have held in his own name, at least one month previous to the time of voting ; and all questions brought before the stockholders at any such meeting, shall be decided by a majority of the votes of the shareholders then present in person, or by proxy, subject, in case of an equality of votes, to the casting or double vote of the President or Director presiding at such meeting."

Majority ; proxies ; ties.

Appointment of Attorneys by shareholders.

3. Any person becoming a shareholder may constitute and appoint some other person his attorney, to accept transfers of shares in the capital stock of the Company, to vote in respect of such shares, to receive dividends and bonuses, to sell and transfer any such shares, or for any of such purposes ; such appointment to be in the form prescribed by Schedule A, annexed to this Act, or to the like effect.

Public Act.

4. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

SCHEDULE A.

STOCK OF THE RICHELIEU COMPANY.

POWER OF ATTORNEY.

To accept transfers, receive dividends, sell and vote.

Be it known to all men, that
 is hereby constituted and appointed the lawful Attorney of the undersigned,
 for, and in the name of the undersigned,
 to accept transfers of shares in the Capital Stock of the Richelieu Company ; to receive and grant receipts for the dividends and bonuses accrued, and to accrue on or in respect of any such shares ; to sell and transfer all or any such shares, and receive and grant receipts for the consideration money ; and to vote in respect of such shares, at all meetings of the Shareholders of the Company, for whatever purpose such meetings shall be held ; the undersigned hereby confirming all
 and

and whatsoever shall, in virtue hereof, be lawfully done by said Attorney.

Witness the hand and seal of the said constituent, at the day of in the year of our Lord one thousand eight hundred and

Signed, sealed and delivered, in the presence of two witnesses.

CAP. LXXXVIII.

An Act to change the name of "The Bytown Consumers Gas Company," and to confirm, amend and extend their corporate powers, under the name of "The Ottawa Gas Company."

[Assented to 18th September, 1865.]

WHEREAS, under the provisions of a certain Act of the Parliament of the Province of Canada, passed in the sixteenth year of the Reign of Her Majesty, Queen Victoria, intituled : *An Act to provide for the formation of incorporated Joint Stock Companies, for supplying cities, towns and villages, with gas and water*, N. Sparks, John Egan, Hannett Hill, Joseph Aumond, Richard Kneeshaw, Alexander Workman, J. B. Lewis, C. H. Pinhey, Edward Malloch, James Brough, and Edward McGillivray, did form themselves into an incorporated company for the purpose of supplying the Town of Bytown with gas, the statement or declaration whereof was duly executed by them in duplicate, and registered in the Registry office of the County of Carleton, the twenty-second day of April, one thousand eight hundred and fifty-four, whereby it was declared that the capital stock of the said company should be ten thousand pounds, to be divided into shares of five pounds each, and that the said company should exist for the term of fifty years, and should carry on their operations in the Town of Bytown, in the County of Carleton, and the parties thereto did nominate and appoint five trustees therein named to manage the concerns of the said company for the first year ; and whereas the Town Council of the Town of Bytown did, on the seventeenth day of April, in the said year eighteen hundred and fifty-four, enact and pass a by-law, numbered one hundred and ten, granting to the said company, authority as such company to lay down pipes, for the conveyance of gas, under all or any of the streets, squares, and other public places of the said Town of Bytown, and whereas the Town of Bytown has since been erected into a city, under the name of the City of Ottawa, and the president, directors, and company of "The Bytown Consumers Gas Company," have, by their petition, prayed that the incorporation of the said company as aforesaid, and

Preamble.

16 V. c. 173.

and their corporate powers as such, may be confirmed by Act of Parliament, and that the name of such company be changed to "The Ottawa Gas Company," and their corporate powers under such new name amended and extended : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Charter of
existing Com-
pany and By-
law of Bytown,
confirmed.

1. "The Bytown Consumers Gas Company" are hereby declared to have been, since the filing of the said statement or declaration in the Registry Office of the County of Carleton, an incorporated company, under the name in the said statement or declaration mentioned, and all contracts, agreements, bonds, deeds, and conveyances made, received, executed, or granted by the said company under their corporate name, have been legally made, received, executed, or granted, and are legal and binding, and the said by-law number one hundred and ten, made by the then Town Council of the Town of Bytown, was, and is, and shall continue, legally operative and binding, for the purposes therein contained.

New name to
Company and
further powers
conferred.

2. From and after the passing of this Act, "The Bytown Consumers Gas Company," shall be called and known as "The Ottawa Gas Company," and shall have power to extend their operations to that portion of the Township of Gloucester, adjoining the City of Ottawa, called the Village of New-Edinburgh, and also to that portion of the township of Hull, opposite the city of Ottawa, called the village of Hull, and also to all portions of the country surrounding the city which may hereafter be taken into the limits thereof, for the purpose of supplying each of the said villages, and other parts aforesaid, with gas light, and for such purposes may lay down under the streets, squares, and public places thereof, respectively, and along the bridges leading thereto, respectively, all necessary metal or other gas pipes for the conveyance of gas, and shall have power at all times, and from time to time, to open up and dig up all and any of the streets, squares, or public places in the City of Ottawa, and the Villages of New Edinburgh and Hull, or any of them, for the purpose of repairing any of their works, plant or pipes, or for the purpose of laying down others instead thereof, or extending and laying down new plant or pipes.

Company may
recover com-
pensation for
damage to their
property.

3. The said company may recover from any person doing, causing, or permitting the same to be done, compensation for any damage or injury which may be done to any of the plant or pipes, laid down, or to be hereafter laid down by them, under any of the streets, squares, or public places of the said city or villages, and the value of all loss of gas, or loss of sale thereof, occasioned by such damage or injury, together with any expense they may be put to for repairing such damage or injury, or in excavating or laying down other plant or pipes, and covering the same up, or for repairing the lamp-posts or lamps.

4. Notwithstanding anything contained in such statement or declaration so registered or filed as aforesaid, the said company shall be perpetual, and the capital stock of the said company shall be fifty thousand pounds, instead of ten thousand pounds, and shall be divided into shares of five pounds each, and the said company shall have power, at a general meeting of the holders of the present subscribed stock, by a resolution to be ratified by the President and directors under the seal of the company, to declare and make any number of the shares of such stock preferential stock, upon such terms and conditions, and with such advantages to the subscribers and holders of such preferential stock, over the residue of such stock, as they shall see fit, or to sell or dispose of all or any part of the unsubscribed stock of the company, at such rate of premium or discount as shall approximate it in value to the market value of the present subscribed and paid-up stock.

Company made perpetual; capital stock increased.

Power to create preferential stock.

5. And whereas the said company are obliged to increase their works, and plant, for supplying the Parliamentary and Government Departmental Buildings in the said city with gas light, and for extending their operations to the said villages, and require to borrow money for such purposes : Therefore it shall be lawful for the said company to mortgage the real and personal property, plant and pipes, and also the yearly income, debts, yearly gas sales or income, now existing and hereafter to be created, made and obtained by the said company, to any person or body corporate or politic whatsoever, either absolutely or in trust for, and as security for the payment of the money, or payment of any bonds granted for money which may be borrowed by or owing from the said company, and the interest payable thereon, such loan not to exceed twenty thousand pounds, nor to bear more than ten per cent. interest per annum, subject nevertheless to any mortgages heretofore made by the company, and not discharged at the time of borrowing such money, but which may be paid and discharged with the money borrowed under this section, and it shall not be necessary that all the stock of the company shall be subscribed for or sold by the company, before mortgaging as aforesaid, and effecting such loan, and any deed, mortgage, or conveyance to be made by the company, shall be duly executed, if signed by the President or Vice-President and Secretary, and sealed with the corporate seal of the company; and any power of sale or other provisos, covenants, or provisions which shall be contained in any such deed, mortgage or conveyance, shall be binding on the Company, and their estate, present and prospective, and shall be performed and observed by the company, and may be executed by the mortgagees or grantees, whether individuals or bodies corporate or politic, as fully and effectually as if such deed, mortgage or conveyance were made or given by and from one person to another.

Recital,

Power to raise money by mortgage.

Interest.

Former mortgages.

Powers given by mortgage deed to be valid.

As to registration of mortgages made by the Company.

6. The laws of this Province relating to the filing of mortgages of or against personal property, or copies thereof, or statements or affidavits of the debts secured thereby, or other affidavits in the office of the Clerk of the County Court, shall not apply to any mortgage which may be made by the company under this Act, in which real and personal property shall be conveyed and mortgaged, but the memorial registered in the City Registry Office shall state the personal property as set out in each mortgage.

Provisions of c. 66, Con. Stat. Can. to continue to apply.

7. The provisions of the Act chapter sixty-five of the Consolidated Statutes of Canada, intituled: *An Act respecting Incorporated Joint Stock Companies for supplying cities, towns and villages with Gas and Water*, shall continue to apply to this company, except as altered, amended, or extended by this Act; and this Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P . L X X X I X .

An Act respecting the Gaspé Bay Mining Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Gaspé Bay Mining Company have, by their petition, represented that they are incorporated under the Act twenty-third Victoria, chapter thirty-one, and in order to increase their powers and their capital, and to give them the necessary facilities to extend their operations, and carry out the objects of their incorporation, they desire to have their incorporation changed, and to be brought under the Joint Stock Companies General Clauses Consolidation Act of this Province, as named by this Act; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Existing company specially incorporated and continued, with all its property, rights, powers, privileges and liabilities.

1. From and after the passing of this Act, the present holders of the stock in the said Gaspé Bay Mining Company, incorporated under the provisions of the said Act of the Parliament of Canada, twenty-third Victoria, chapter thirty-one, and such other persons as shall, after the passing of this Act, become shareholders in the company incorporated by this Act, shall be, and they are hereby ordained and declared to be a body corporate and politic, for the purposes hereinafter mentioned, under the name of the Gaspé Bay Mining Company; and all the property and estate, real and personal, and the rights, powers and privileges of the said company, incorporated under the said Act of twenty-third Victoria, chapter thirty-one, shall immediately, on the passing of this Act, become vested in the company incorporated by this Act; and the Company incorporated by this

Act

Act shall become, and be held for all debts and liabilities of the said Company, so incorporated under the said statute, twenty-third Victoria, chapter thirty-one as aforesaid.

2. The said company may carry on the business of explorations for, and of mining for, finding and getting petroleum and copper, lead and other ores, metals and minerals, and of manufacturing, dealing in and disposing of such petroleum, ores, metals and minerals. Business of the company.

3. The following clauses of the Joint Stock Companies General Clauses Consolidation Act, shall be incorporated with, and form part of this Act, that is to say : The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, and forty-first. Certain clauses of 24 V. c. 18, incorporated with this Act.

4. Immediately on the passing of this Act, the Secretary of the Company shall make from the stock-book of the company, a list or schedule of the names of all those standing on the books of the Company at the date of the passing of this Act, as the holders of the shares of the capital stock in the said company, to be by this Act merged in the company incorporated by this Act as aforesaid ; and such list shall shew the correct number of shares held by each of said shareholders, and the amount paid on each, and the Secretary and President shall sign the said list or schedule, and affix thereto the corporate seal of the said company so heretofore incorporated as aforesaid ; and the said person shall, in all courts and places, be taken to the extent so shewn to be shareholders in the company incorporated by this Act ; and the production of said list, or a certified copy thereof, shall, in all courts and places, be taken and used as evidence of the said contents thereof. List of the shareholders to be made.

List to be evidence.

5. The capital of the company shall be the sum of two hundred and fifty thousand dollars, and shall be divided into shares of twenty dollars each ; and the stock of the said company, incorporated under the Act twenty-third Victoria, chapter thirty-one, shall be taken to be, and shall be entered upon the books of the company incorporated by this Act, as stock in the company incorporated by this Act ; and the present holders of such stock shall have credit thereon for whatever sums may have been paid thereon, and shall only be liable further upon, and to the amount still unpaid at the passing of this Act, upon the said stock by them respectively held in the company so incorporated under the said Act. Capital Stock \$250,000.
Shares \$20.

Capital Stock
may be
increased to
\$500,000.

6. If the said amount of stock, as incorporated by this Act, be insufficient, the company, by a vote of a majority of the stockholders present at any general meeting called for that purpose, may, from time to time, increase the same, either by admission of new stockholders or otherwise, to a total amount of not more than five hundred thousand dollars; and in such case the new stock shall be paid in upon such conditions, at such times and places, and in such manner as the company at such meeting shall have ordered, or in default of express provisions to that end, then upon such conditions, at such times and places, and in such manner as the directors thereafter, by by-law or otherwise, shall ordain; and such new stock shall be in all respects part of the capital stock of the company.

New stock and
stockholders.

7. All persons who desire to become holders of any share or shares of such new stock, may sign the stock-book which may be opened for that purpose; and such new stockholders shall in respect of their stock so subscribed, have all the rights and privileges of the original stockholders in the company.

First Directors.

8. The first directors of the company incorporated under this Act shall be David D. Bogart, Gilbert McMicken, D. A. Roblin, John McLeod, George E. Desbarats, Andrew Thomson, and Peter D. Conger; and they shall hold office until the first general election (to be held under this Act) of directors; the time and place of holding such meeting to be fixed by a by-law of the said first directors, immediately after the passing of this Act; and until such meeting and such election, the said directors, above named, shall exercise all the powers given by this Act, in the same manner as is provided in case of elective directors, and may proceed with the business of the said company in like manner; and upon and after the passing of this Act, the said company incorporated under the said Act, twenty-third Victoria, chapter thirty-one, shall cease to exist, and the same and its several rights, powers, privileges and property, is and are hereby merged as in this Act provided, into the company incorporated by this Act.

Meeting for the
election of
Directors.

Old company to
merge in new
company.

Public Act.

9. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

C A P . X C .

An Act to incorporate the English and Canadian Mining Company (Limited.)

[Assented to 18th September, 1865.]

Preamble.

WHEREAS "The English and Canadian Mining Company (Limited)," hereinafter called "the Association," through its Board of Management, have by petition represented that they were duly incorporated under the provisions of the Imperial

Imperial Joint Stock Companies' Acts one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven, by registration of a memorandum of association and articles of agreement under the said Companies' Acts; And whereas, by resolutions adopted at an extraordinary meeting of the Shareholders, held in London, England, on the nineteenth day of May, eighteen hundred and sixty-four, and confirmed at a similar meeting, held on the ninth of June following, the management and direction of the association were transferred to Canada; and whereas the petitioners represent, that they are possessed of divers valuable properties and mining rights in the County of Megantic, and have prayed for the passing of an Act to give them a corporate existence in this Province, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. J. Douglas, the Honorable George Pemberton, W. D. Campbell, P. Peebles, George Hall, the Honorable Charles Alleyn, George W. Vesey, S. J. Shaw, A. J. Maxham, R. H. Wurtele, A. C. Buchanan, J. B. Parkin, M. Sheppard, C. P. Fremont, Weston Hunt, H. J. Noad, J. G. Clapham, F. Langlois, E. J. Price, Henry Goodwin, and their associates and successors, together with all such persons who shall hereafter become shareholders, shall be and are hereby constituted a body politic and corporate, under the name of "The English and Canadian Mining Company."

Incorporation.

Corporate name.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands in the County aforesaid, not exceeding five thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper or other ores and metals; Provided, however, that the acquisition of any such royalty or percentage shall not entitle the company to carry on any mining operations, beyond the limits of the said county, but such company may carry on smelting and manufacturing operations elsewhere than in the said limits.

Business of the Company.

Real property limited.

Proviso.

3. The capital stock of the Company shall be the sum of two hundred thousand dollars, divided into eight thousand shares of twenty-five dollars each, and may be from time to time increased, as the wants of the Company require, to an amount not exceeding one million dollars in the whole.

Capital Stock. Shares.

Increase.

Corporate
name.

politic by the name of "The Bothwell, C. W., Land and Petroleum Company (Limited)," and all and every the lands and other property so purchased and acquired by or for the said association, and all debts and claims now due to or possessed by them shall, upon the passing of this Act, vest in the company hereby created, who shall, in like manner, be liable to and for all debts due by or claims upon the said association.

Business of
Company.

Petroleum.

Farm lands and
factories.

Disposing of
lands, &c.

Vessels.

Loans.

Amalgamation
with other
Companies.

General
powers.

2. The company hereby established may carry on the business of exploring, searching for, working, extracting, manufacturing, converting or otherwise obtaining, in Canada, oil, petroleum, ores, mines or minerals; the sinking of yvells, shafts, pits, and the purchasing, erecting and constructing of works, machinery, plant and other things necessary for the above purposes, and the clearing, cultivating, farming and working the said lands, hereditaments and other property which may be acquired by the company, the erection and working of wool and other factories thereon; the making and entering into contracts, agreements, engagements or dealings with any company or person for the sale, lease, license, working or otherwise disposing of the whole or any part of the said lands, tenements and hereditaments, and the produce derived therefrom, and the oil, petroleum, ores, mines and minerals, under or obtainable from the said lands or otherwise acquired, and whether raw or crude or manufactured or converted or refined, and the executing and finally completing and carrying into full force all such contracts, engagements and agreements; the purchasing or chartering or hiring of ships, vessels or other craft, for the transmission, exportation or conveyance of any of the said produce; the effecting loans on the company's property whenever it may be deemed necessary for the purpose thereof to do so; the purchase of the whole or any part of the business of any other company or person, or the amalgamation of the said company with any other company or companies of a similar nature, and the acquiring by purchase, lease, license or otherwise, any other lands producing or supposed to be capable of producing oil, petroleum or minerals, and generally the doing of such acts or things as are, directly or indirectly, incidental to the business or calculated or conducive to the attainment of the above objects or any of them and the promotion of the interests of the company.

Capital stock
and shares.

3. The capital stock of the company shall be the sum of one hundred thousand pounds sterling, divided into ten thousand shares of ten pounds sterling each.

Calls on shares.

Interest
thereon.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid

unpaid, and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Forfeiture for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be personal estate.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy; provided always, that the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Scale of votes.

Proviso.

7. The affairs of the company shall be administered by a Board of not less than seven nor more than nine Directors, being severally holders of at least fifty shares of stock; and the office of a director upon his ceasing to hold that number of shares, shall immediately cease and be vacated; such directors shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected, and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Election of directors.

Qualification.

Quorum.

Vacancies.

Failure of election.

Proviso.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made, any purchase, and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock

Powers of Board of Directors: may make by-laws for certain purposes.

stock for non-payment ; the disposal of forfeited stock and the proceeds thereof ; the transfer of stock ; the declaration and payment of dividends ; the appointment, functions, duties and removal of all agents, officers and servants of the company ; the security to be given by them to the company ; their remuneration and that (if any) of the directors ; the time and place for holding the annual and other meetings of the company, within the Province or elsewhere ; the calling of meetings of the company and of the Board of Directors ; the quorum ; the requirements as to proxies ; the procedure in all things at such meetings ; the site of their chief place of business, and of any offices which they may require to have ; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and the conduct in all other particulars of the affairs of the company ; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company ; and every copy of any by-law, under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

By-laws to be confirmed by shareholders.

Provisional directors.

9. Until the first election of such board, David Law, Phœnix Iron Works, Glasgow ; William Colvin, Athole Place, Glasgow ; James Pope Kitchin, Old Broad-street, London ; Robert Bryson, Junior, West George-street, Glasgow ; and the said Richard Chambers, George Wilson, and Alexander McEwan, shall be a Provisional Board of Directors for the said company, with full power to fill vacancies, to open stock-books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Their powers.

Place of business.

10. The principal office and place of business of the company shall be in the first instance in Glasgow, in that part of the United Kingdom of Great Britain and Ireland called Scotland, and in addition thereto the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on stock.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person in whose name the same shall stand in the books of the company, or his personal representatives, shall be a discharge to the company for any dividend or money payable in respect of such shares, whether

whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. It shall be lawful for the said company, by warrant or letter of attorney, under their corporate seal, to constitute and appoint two or more persons living in Upper Canada to execute all such conveyances, deeds, leases or other instruments, as may be found or deemed to be necessary, in the name of and on behalf of the company, to any person or persons, of any part of the lands, tenements or hereditaments, or other property of the company; and it shall be lawful also for the said company to commit to the custody of such attorney or attorneys, for the time being, a seal for the purpose of executing such deeds or other instruments, and such seal, from time to time, to break, alter or renew, as to them may seem meet, and every conveyance, deed or other instrument, so made and executed, and countersigned by the secretary of the company, shall be valid and effectual in law to all intents and purposes whatsoever, and no person dealing with such attorneys, or taking such conveyances or other instruments, shall be bound to enquire into the authority of such attorneys to make such conveyances or other instruments; but the affixing of such seal by parties acting or professing to act as such attorneys, when confirmed by the signature of the secretary, shall be conclusive evidence of the validity of the same as against the company, and shall be receivable in evidence as *prima facie* proof in any court of justice or legal or equitable proceeding, or before any tribunal, that such deed, conveyance or other instrument, had been duly executed by the said company, without any proof of the said corporate seal, or of the signature or appointment, or of the official character of the person or persons appearing to have signed the same.

Company may appoint persons to act as their attorneys in Canada.

Evidence of deed executed by such attorney.

14. The seal so affixed to any conveyance, deed or instrument in writing, or to any memorial thereof, for the purpose of registration of the said deed, conveyance or other instrument in writing, in the proper office for registering the same in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed or other instrument and the memorial thereof, by the said company, for all purposes respecting the said registration, and no further evidence or verification of the persons who shall sign or attest such deed, conveyance or other instrument in writing, or the memorial thereof, shall be required for the purpose of registry, in any

Seal of company to any deed to be sufficient evidence for registry.

county in Upper Canada, any law, usage or custom to the contrary notwithstanding; and the Registrar of such county shall register the same without any further proof of such corporate seal or any other proof whatever.

Trustees, &c.,
not personally
liable as
shareholders.

15. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Trustees, &c.,
entitled to
represent stock.

16. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder, and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Liability of
directors de-
claring frau-
dulent dividend.

17. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively; but if any director present when such dividend is declared do, forthwith, or if any director then absent do within twenty-four hours after he shall become aware thereof and able so to do, enter, on the minutes of the Board of Directors, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at, or as near as may be possible to the office or chief place of business of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

Company may
not lend money
to any share-
holder.

18. No loan shall be made by the company to any shareholder, and if such be made, all directors and other officers of the company making the same, or in any wise assenting thereto, shall be jointly and severally liable to the company for the amount of such loan—and also to third parties, to the extent of such loan with legal interest—for all debts of the company contracted from the time of making such loan to that of the re-payment thereof.

Public Act.

19. This Act shall be deemed a Public Act.

C A P.

CAP. XCII.

An Act to grant certain powers to the Waterloo County Mutual Fire Insurance Company.

[Assented to 18th September, 1865.]

WHEREAS the Waterloo County Mutual Fire Insurance Company have by their Petition set forth, that they have been organized and have carried on business in the Village of Waterloo, in the County of Waterloo, since the month of March, one thousand eight hundred and sixty-three, as a Mutual Fire Insurance Company, under the provisions of the Act respecting Mutual Insurance Companies, and have prayed that for the better management of the affairs of the Company, additional powers may be conferred upon them, and it is expedient that the prayer of the said petition be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said company may hold their annual meetings for the election of Directors at such time in each year as may appear most expedient to the Board of Directors.

Annual meetings.

2. The said company may issue policies and collect premiums in cash for insurance for terms of two or more years ; and parties so paying in cash, shall not be liable to any further charge or assessment whatsoever, nor shall they be held to be members of the said company in any respect.

Association may issue policies for terms of two or more years.

3. The said Company may levy an annual assessment upon all premium notes held by them, for the purpose of paying losses by fire and the incidental expenses of the company, which assessment shall be payable at such time as the Directors may determine ; provided that no such annual assessment shall be levied for any amount over and above twelve per cent., on any such premium note or notes, unless, and until the whole amount so raised shall have become exhausted, and that no premium note shall be taken for more than fourteen dollars on each hundred dollars of insured property ; but the said company may take premium notes at a higher rate than fourteen dollars on each hundred dollars of insured property, provided that the annual assessment to be levied on such premium note is reduced in the same proportion as the note is increased.

Annual assessment may be levied.

Proviso : amount thereof limited.

Exception.

4. All Premium Notes given within the year, for which the annual assessment is made, and all premium notes expiring during the year, shall be assessed in proportion to the time for which they are in force ; and the cash premium paid at the time of insurance shall in no case be held to be part of the annual assessment.

Proportion of assessment on premium notes

Certificate of
Secretary evi-
dence of
amount due.

5. Whenever any assessment is made on any premium note given to the company for any risk taken by the company, or as a consideration for any policy of Insurance issued or to be issued by the company, and an action is brought to recover such assessment, the certificate of the Secretary of the company, specifying such assessment and the amount due to the association on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all Courts and places whatsoever.

In case of fail-
ure to pay
premiums, &c

6. In case of the failure or neglect on the part of any policy-holder to pay the amount of any premium note given for insurance, or any assessment thereon, on the day when the same shall be due, or within thirty days thereafter, the policy on account of which such note was given or assessment made, shall become void and of none effect for and during such period as the said note or assessment shall remain unpaid ; provided that it shall be optional with the Directors to enforce payment of the said note or assessment at their discretion.

Cap 52 Con.
Stat. U. C. to
apply.

7. The Act respecting Mutual Insurance Companies, being chapter fifty-two of the Consolidated Statutes for Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Waterloo County Mutual Fire Insurance Company.

Public Act.

8. This Act shall be deemed a Public Act.

C A P. X C I I I.

An Act specially to incorporate the Tadousac Hotel and Sea Bathing Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Tadousac Hotel and Sea Bathing Company have, by their petition, represented that they are an incorporated Company, under the provisions of chapter sixty-three, of the Consolidated Statutes of Canada, and that in order to increase their powers and their capital, and enable them to complete their establishment and carry on their business more efficiently, they desire to have their incorporation changed, and to be brought under the operation of a Special Act of incorporation ; and whereas it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Shareholders
incorporated.

1. Upon, from and after the passing of this Act, the shareholders in the said Tadousac Hotel and Sea Bathing Company, that is to say, the Honorable David Edward Price, of Chicoutimi ; James Bell Forsyth, William Rhodes, John Gilmour and Willis Russell,

Russell, Esquires, of Quebec ; George William Campbell, Esquire, M. D., and Charles John Brydges and Alexander Urquhart, Esquires, of Montreal ; and Joseph Radford, Esquire, of Tadousac ; and all such other persons as are now shareholders in the said company, heretofore incorporated as aforesaid, together with all such other persons as shall become shareholders in the same after the passing of this Act, shall be, and continue to be, and they are hereby ordained and declared to be a body corporate and politic, for all and every the purposes hereinafter mentioned, by and under the same name, style and title of the Tadousac Hotel and Sea Bathing Company ; and all the property and estate, real and personal, movable and immovable, and the rights, powers and privileges of the said company incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada, shall, immediately on the passing of this Act, become vested in the company incorporated by this Act ; and the company incorporated by this Act, shall become and be bound by all the contracts and obligations, and liable for all the debts and liabilities of the said company so incorporated, under the said chapter sixty-three of the Consolidated Statutes of Canada as aforesaid ; and upon and after the passing of this Act, the said company incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada, shall cease to exist, and the same and its several rights, powers, privileges and property is and are hereby merged, as in this Act provided, into the company incorporated by this Act.

Corporate
name and
powers.

Con. Stat. Can.
c. 63.

Transfer of
rights and liabi-
lities.

Former com-
pany merged
in this.

2. The said company may erect and construct a public hotel and baths, bath houses and bathing machines, and may continue to hold and enjoy such as it has erected and constructed before the passing of this Act, and may make such other and further provision as is usually necessary for a first class sea bathing establishment, at the village of Tadousac, in the township of Tadousac, in the district of Saguenay, and may lease the same, or any of them, or any part thereof, from time to time ; but the chief place of business of the said company shall be at the city of Quebec, in the district of Quebec.

Power to hold
or erect an
hotel, &c.

3. The said company may, in its corporate name, continue to hold its immovable property at Tadousac, and may purchase and hold any adjacent or other immovable property there which it may be necessary for it to purchase and hold, in order the better to fulfil the purposes of this Act, and may hypothecate the whole or any part of its immovable property, to any amount not exceeding two thirds of the actual value, and apply the proceeds for the same purposes ; and may, from time to time, sell, alien and convey any immovable property no longer required by it for such purposes, or any of them, and apply the proceeds of such sale to any one or more of such purposes, or to the payment of any debt legitimately contracted by the said company in the course of its ordinary business.

Purchasing
Real Estate.

And hypothe-
cate,

Or sell the
same.

Capital and
shares.

Transfer of
stock of present
Company.

4. The capital stock of the said company shall be the sum of forty thousand dollars, and shall be divided into four hundred shares of one hundred dollars each ; and the stock of the said company incorporated under the said chapter sixty-three of the said Consolidated Statutes of Canada, shall be taken to be and shall be entered upon the books of the company incorporated by this Act, as stock in the company incorporated by this Act ; and the holders of such stock shall have credit thereon for whatever sums they have paid thereon, and shall only be liable further upon and to the amount still unpaid at the passing of this Act, upon the said stock by them respectively held in the company so incorporated, under the said chapter sixty-three of the Consolidated Statutes of Canada.

Shares to be
personality.

Proviso : debt
to Company to
be paid before
transfer.

5. The shares of the said capital stock shall be deemed personal estate, and shall be transferable, and may from time to time, be transferred, by the respective holders and owners thereof, according to the form prescribed by Schedule A, hereunto annexed ; provided always, that the transferor shall always be held personally liable to the said company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer ; and provided, that the said transferor shall not be able to transfer, cede and alienate all or any part of such shares by him subscribed for, until he shall have paid to the said company all and every the sums of money which he may owe to such company, either for the whole or any part of the shares by him subscribed for, and for which he shall be indebted at the time of such transfer, cession or alienation, or which he shall owe to the said company upon accounts, promissory notes, or otherwise.

Company not
bound to see to
trusts on shares.

6. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject ; and the receipt of the party in whose name any such share shall stand in the books of the company, shall, from time to time, be a discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the company have had notice of such trust ; and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
shareholders.

Limitation.

7. Every shareholder of the said company shall, until the full amount of his stock be paid up, be jointly and severally liable for all debts and contracts made by the said company, but not to a greater amount than a sum equal to the amount of his subscribed stock ; and every shareholder may pay up the full amount of his stock at any time after he has subscribed for the same ; and after his own stock has been paid up, no shareholder shall be personally liable for or charged with any debt

debt whatever of the said company, save and except as herein after mentioned.

8. The shareholders in the said company shall be jointly and severally individually liable for all debts due and owing to any of the laborers, servants and apprentices thereof, for services performed for the said company ; but no shareholder in the said company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by the said company, which is not to be paid within one year after the same was contracted ; and no judgment shall be entered upon in any suit against any shareholder in the said company for any debt so contracted, unless such suit be commenced within two years from the time he ceased to be a shareholder in the said company, nor until an execution against the said company has been returned unsatisfied in whole or in part.

Liability for wages.

Exception.

9. No person holding stock in the said company as executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to any liability as a shareholder of the said company ; but the estates and funds in the hands of such executor, administrator, tutor, curator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward, or interdicted person, or the person interested in such trust fund would be if he were living and competent to act and held the same stock in his own name ; and no person holding such stock as collateral security shall be personally subject to any liability as shareholder of the said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as shareholder accordingly.

Non-liability of Executor, &c.

Or person holding stock as security.

10. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a shareholder ; and every person who pledges his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Votes of executors, &c.

11. No person holding stock as executor, administrator, tutor, curator, guardian or trustee, shall be a Director or hold any office in the service of the company ; and all votes given to any person so holding stock shall be void.

Not to hold office.

12. The capital stock be paid by the subscribers therefor, when, where, and as the Directors of the company shall require, or as the by-laws may provide ; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid ; and in case any instalment or instalments shall not be paid

Calls on stock.

Interest thereon.

Forfeiture for non-payment.

paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Calls may be recovered by action.

13. The Directors shall also have power to enforce the payment of any call or calls on any share or shares of the capital stock subscribed, by action in the name of the company, in any court of law having jurisdiction to the amount of such call or calls in cases of simple contract, instead of forfeiting such share or shares; and in any such action it shall be competent for any shareholder or officer of the company to be examined as a witness on the part of the company.

Witnesses.

Votes and meetings of the Company.

14. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder, being in arrear, shall be entitled to vote; and all votes may be given in person or by proxy; provided always the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws; and all questions brought before the shareholders, at any general or special meeting shall be decided by a majority of such votes given by the shareholders then present, or by their proxies; and, in case of an equality of votes, by the casting vote of the president.

Proxies.

Majority to decide.

Ties.

Directors.
President.

Quorum.

Vacancies.

No proxies.

15. The affairs of the company shall be administered by a Board of nine Directors, one of whom shall be President and another of whom shall be Vice-President; and five members of such Board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the company by appointing any qualified shareholder thereto; but voting by proxy shall not be allowed at any meeting of the Board of Directors.

First President,
Vice-President
and Directors.

16. The said William Rhodes shall be the first President, the said Honorable David Edward Price shall be the first Vice-President, and the said John Gilmour, James Bell Forsyth, Willis Russell, Charles John Brydges, George William Campbell, Alexander Urquhart, and Joseph Radford, shall be the first Directors of the said company, under this Act, and shall continue in office as such until the first annual meeting of the shareholders of the said company, to be held under this act, as herein mentioned.

Annual general meetings for

17. On the first Wednesday in the month of November next, which is not a holiday, and on the first Wednesday which is not

debt whatever of the said company, save and except as herein-after mentioned.

8. The shareholders in the said company shall be jointly and severally individually liable for all debts due and owing to any of the laborers, servants and apprentices thereof, for services performed for the said company ; but no shareholder in the said company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by the said company, which is not to be paid within one year after the same was contracted ; and no judgment shall be entered upon in any suit against any shareholder in the said company for any debt so contracted, unless such suit be commenced within two years from the time he ceased to be a shareholder in the said company, nor until an execution against the said company has been returned unsatisfied in whole or in part.

Liability for wages.

Exception.

9. No person holding stock in the said company as executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to any liability as a shareholder of the said company ; but the estates and funds in the hands of such executor, administrator, tutor, curator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward, or interdicted person, or the person interested in such trust fund would be if he were living and competent to act and held the same stock in his own name ; and no person holding such stock as collateral security shall be personally subject to any liability as shareholder of the said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as shareholder accordingly.

Non-liability of Executor, &c.

Or person holding stock as security.

10. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a shareholder ; and every person who pledges his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Votes of executors, &c.

11. No person holding stock as executor, administrator, tutor, curator, guardian or trustee, shall be a Director or hold any office in the service of the company ; and all votes given to any person so holding stock shall be void.

Not to hold office.

12. The capital stock be paid by the subscribers therefor, when, where, and as the Directors of the company shall require, or as the by-laws may provide ; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid ; and in case any instalment or instalments shall not be paid

Calls on stock.

Interest thereon.

Forfeiture for non-payment.

paid as required by the Directors, with the after such demand or notice as the by-law within the time limited by such notice, the vote, reciting the fact and duly recorded marily forfeit any shares whereon such and the same shall thereupon become pany, and may be disposed of as t company may provide.

Calls may be recovered by action.

13. The Directors shall al: ment of any call or calls on stock subscribed, by action court of law having juris calls in cases of simp share or shares ; and for any shareholder as a witness on th

Witnesses.

Votes and meetings of the Company.

14. At all being in arr entitled to, company,

Proxies.

tled to provi

Majority to decide.

arr ti-

Ties.

to keep and retain a special and reserve fund, to be employed for all acquisitions and building of baths, bath-houses, and bathing machines, as may be deemed necessary by the said company and the expenses and repairs of the same, and of the hotel belonging to the company, a clear statement whereof shall be submitted and retained by the Directors of the said company, to form part of the minutes of their deliberations ; a book shall be kept in which shall be entered the name, calling and residence of every shareholder ; also, the number of shares held by each ; and every shareholder shall have the right to obtain a certificate shewing the number of shares held by him.

Directr Pres

Q
See or share-holders, &c.

Liability of Directors paying dividends improperly.

22. If the Directors of the said company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively ; but if any Director objects to the declaring or payment of such dividend, and at any time before the time fixed for the payment thereof, files a written statement of such objection in the office of the Secretary of the company, such Director shall be exempt from such liability.

Exception.

False certificates, &c.

23. If any certificate or report made, or public notice given by the officers of the said company, in pursuance of this Act, be

Tadousac Hotel Company.

Cap. 93.

475

ly and rs, on any the

Financial Legislature,

... or Justice of the Peace administer ; and before paying and

annual dividends of the profits of the said com-

of such dividends, the said Directors shall have to keep and retain a special and reserve fund, to be employed for all acquisitions and building of baths, bath-houses, and bathing machines, as may be deemed necessary by the said company and the expenses and repairs of the same, and of the hotel belonging to the company, a clear statement whereof shall be submitted and retained by the Directors of the said company, to form part of the minutes of their deliberations ; a book shall be kept in which shall be entered the name, calling and residence of every shareholder ; also, the number of shares held by each ; and every shareholder shall have the right to obtain a certificate shewing the number of shares held by him.

any material representation, all the officers who shall be jointly and severally liable for all contracted while they are officers or respectively.

ness of the said company at any time its capital stock, the Directors assenting ally and individually liable to the or such excess.

Directors liable in certain cases.

ll be made by the said company if any such loan be made to a take or assent thereto shall be extent of such loan, with debts of the company thereof the sum loaned.

No loans to shareholders.

f its funds in the pur-

Not to purchase stock.

at, or bargain by the company, the Directors on behalf of the company, and every agent or agents of the company, and every note made or endorsed, and every bill of exchange accepted or endorsed, by such Director or Directors on behalf of the company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said by-laws, shall be binding upon the said company; and in no case shall it be necessary to have the seal of the said company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank.

Contracts, notes, bills, &c.

Seal not requisite.

Provido.

28. Any service of process made at the office of the company in the City of Quebec, only, and in case the company should have no such office, then upon the President of the said company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Service of process.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, not being himself personally a party to such action, shall be incompetent as a witness therein.

Actions and witnesses.

30. This Act shall be deemed a Public Act.

Public Act.

General powers.

By-laws to be confirmed.

Proof.

Dividends and accounts.

Copy to legislature.

Reserve Fund.

List of shareholders, &c.

Liability of Directors paying dividends improperly.

Exception.

False certificates, &c.

Quebec and of any other offices which they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

21. It shall be the duty of the Directors to make such yearly dividends of the profits of the said company as to them, or a majority of them, shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the company, and to be open to the perusal of any shareholder; and a copy thereof certified by the oath of the President or two of the Directors, shall be transmitted annually to each of the three branches of the Provincial Legislature, which oath any Judge, Commissioner, or Justice of the Peace is hereby authorized to administer; and before paying and liquidating such annual dividends of the profits of the said company, and out of such dividends, the said Directors shall have a right to keep and retain a special and reserve fund, to be employed for all acquisitions and building of baths, bath-houses, and bathing machines, as may be deemed necessary by the said company and the expenses and repairs of the same, and of the hotel belonging to the company, a clear statement whereof shall be submitted and retained by the Directors of the said company, to form part of the minutes of their deliberations; a book shall be kept in which shall be entered the name, calling and residence of every shareholder; also, the number of shares held by each; and every shareholder shall have the right to obtain a certificate shewing the number of shares held by him.

22. If the Directors of the said company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director objects to the declaring or payment of such dividend, and at any time before the time fixed for the payment thereof, files a written statement of such objection in the office of the Secretary of the company, such Director shall be exempt from such liability.

23. If any certificate or report made, or public notice given by the officers of the said company, in pursuance of this Act, be

be false in any material representation, all the officers who signed the same shall be jointly and severally liable for all the debts of the company contracted while they are officers or shareholders thereof respectively.

24. If the indebtedness of the said company at any time exceeds the amount of its capital stock, the Directors assenting thereto shall be personally and individually liable to the creditors of the company for such excess. Directors liable in certain cases.

25. No loan of money shall be made by the said company to any shareholder therein; and if any such loan be made to a shareholder, the officers who make or assent thereto shall be jointly and severally liable to the extent of such loan, with legal interest thereon, for all the debts of the company thereafter contracted until the repayment of the sum loaned. No loans to shareholders.

26. The company shall not use any of its funds in the purchase of stock in any other corporation. Not to purchase stock.

27. Every contract, agreement, or bargain by the company, or by any one or more of the Directors on behalf of the company, or by any agent or agents of the company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed, by such Director or Directors on behalf of the company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said by-laws, shall be binding upon the said company; and in no case shall it be necessary to have the seal of the said company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank. Contracts, notes, bills, &c.
Seal not requisite.
Provided.

28. Any service of process made at the office of the company in the City of Quebec, only, and in case the company should have no such office, then upon the President of the said company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province. Service of process.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, not being himself personally a party to such action, shall be incompetent as a witness therein. Actions and witnesses.

30. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

For value received from _____ of _____ I (or we) do hereby assign and transfer to _____ of _____ shares (on each of which has been paid _____ dollars) in the capital stock of the "Tadousac Hotel and Sea Bathing Company," the office of which is at Quebec, subject to the rules and regulations of the said company, hereby obliging myself (or ourselves,) to fulfil the conditions imposed by the proviso contained in the fifth section of the Act of incorporation of the said company.

In testimony whereof, I (or we) have signed these presents, at the office of the said company, this _____ day of _____, one thousand eight hundred and _____

(Signature of the transferor, or of his Attorney.)

Witness :

I (or we) do hereby accept the foregoing assignment of shares in the capital stock of the "Tadousac Hotel and Sea Bathing Company," assigned to me (or us) as above mentioned, this _____ day of _____, one thousand eight hundred and _____

(Signature of the transferee, or of his Attorney.)

Witness :

C A P . X C I V .

An Act to grant certain additional powers to the Canada West Farmers' Mutual and Stock Insurance Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Canada West Farmers' Mutual and Stock Insurance Company have, by their petition, prayed that in order to promote the interests of the Company, additional powers may be conferred upon them, and it is expedient that the prayer of their petition be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Actions on policies to be brought within a certain time.

1. No action or suit, either at Law or in Equity, shall be brought against the said Company upon any policy or contract of insurance already granted or entered into, or that may hereafter be granted or entered into by the said Company, after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, or in the

the event of such loss or damage having happened before the passing of this Act, then within one year next after the passing of this Act, saving in all cases the rights of parties under legal disability ; provided that in all future policies to be issued by the Company, this section shall be written or endorsed thereon

Proviso.

2. Any suit cognizable in a Division Court, upon or for any premium or deposit note or notes, or any sum assessed or to be assessed thereon, or upon or for any note or notes given or to be given for cash premiums of insurance to the said Company, or to any of the officers or agents thereof, may be entered and tried and determined in the Court for the division wherein the head office of the said Company is situate.

In what division courts suits may be tried.

3. In case any note given or to be given for a cash premium of insurance to the said Company, or to any agent or officer thereof ; or any sum that may hereafter be assessed upon a premium or deposit note given or to be given to the said Company, or to any agent or officer thereof, shall remain in arrear and unpaid for thirty days after the same shall be payable, the policy of insurance held by the persons in default, shall thereupon become absolutely null and void ; provided always, that in such case such person shall remain liable to the said Company for the amount so in arrear and unpaid ; and provided further that it shall be lawful for the Directors of the said Company in their discretion, upon payment of such sum, and on such terms and conditions as they shall think proper, to waive the said forfeiture of such policy, and thereupon the said policy and the premium or deposit notes shall again be in full force ; Provided that in all future policies to be issued by the Company, this section shall be written or endorsed thereon.

Policy void for non-payment of premium during a certain time.

Proviso.

Proviso.

Proviso.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. XCV.

An Act to amend the Act to incorporate the Montreal Homœopathic Association, and to change the name thereof to "The College of Homœopathic Physicians and Surgeons of Montreal."

[Assented to 18th September, 1865.]

WHEREAS Francis E. Grafton, John Wanless, M. D., and others, have petitioned for amendments to the Act incorporating the Montreal Homœopathic Association, and it is expedient to grant the prayer of their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

28 V. c. 59.

1. The last clause of section four of the said Act is hereby amended so as to read as follows : "The said College shall be known

Amendment of fourth section.

known

known as the College of Homœopathic Physicians and Surgeons of Montreal."

Section seven repealed and new section inserted.

Condition of examination for practice and of admission to practice.

2. Section seven of the said Act is hereby repealed, and the following substituted therefor: "Every person who desires to be examined by the said Board, touching his qualifications to practise physic, surgery and midwifery, or either of them, according to the doctrines and teachings of Homœopathy, shall give notice in writing to the Secretary of the Association, and must show that he is not less than twenty-one years of age, that he has followed medical studies for not less than four years, under the care of one or more duly qualified medical practitioners; that he has attended, at some university or incorporated school of medicine in Canada or the United Kingdom of Great Britain and Ireland, not less than two six months' courses of anatomy, physiology, surgery, theory and practice of medicine, midwifery, chemistry, *materia medica*, and the therapeutics respectively, and not less than one six months' course of clinical medicine and medical jurisprudence respectively, and shall have complied with the regulations of such University or incorporated school of medicine with regard to such courses, and shall have followed such other course or courses as may hereafter be considered by the said Board of Examiners requisite for the advancement of medical education; and all such persons shall, at a regularly appointed time and place, be examined on all of the aforesaid branches, by the aforesaid Board of Examiners."

Public Act.

3. This Act shall be deemed a Public Act.

C A P. X C V I.

An Act to incorporate "The London Collegiate Institute."

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it has been represented to the Legislature of this Province that the Venerable Isaac Hellmuth, D. D., Archdeacon of Huron, is engaged in erecting and establishing a School in the City of London, under the title of "The London Collegiate Institute;" And whereas it would tend greatly to advance and extend the usefulness of the said school and promote the purposes for which it is being established that it should be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

London Collegiate Institute to be a body corporate,

1. There shall be and there is hereby constituted and established in the City of London, Canada West, a body politic and corporate, under the name of "The London Collegiate Institute," which corporation shall consist of the said the Venerable Isaac

Isaac Helmuth, the Reverend Arthur Sweetman, the Reverend Henry Halpin, Adam Crooks and Versacoil Cronyn, who shall be the trustees of the Corporation and shall have the control, management and government thereof, and shall also have power to make rules and regulations not contrary to law or the provisions of this Act for the government and management of the said Corporation and the affairs and property thereof, as well as relating to the said trustees in the execution of their duties, and all acts and doings of a majority of the said trustees shall be of the same force and effect as if all of them had joined in such acts or doings.

Trustees, their appointment and duty.

2. Such Corporation shall have power at all times hereafter to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Corporation, and the same to sell, alienate and dispose of, and others in their stead to purchase and acquire and hold for the use and purpose aforesaid; provided always that the annual value of the real estate held by it at any one time, shall not exceed the sum of five thousand dollars current money of this Province.

Powers conferred on Corporation.

Proviso: real estate limited.

3. In case of any vacancy or vacancies occurring in the number of the said trustees, by death, resignation or otherwise, such vacancy or vacancies shall and may be filled up in such manner as may be provided in the rules and regulations of the said Corporation.

Vacancies among Trustees.

4. The said Corporation shall at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Returns to Government when required.

5. This Act shall be deemed a Public Act.

Public Act.

CAP. XCVII. *vide Cap 139 Vie 29-30*

An Act to incorporate *L'Institut Canadien Français de la Cité d'Ottawa.*

[Assented to 18th September, 1865.]

WHEREAS Pierre Marié, J. B. Turgeon, A. T. W. Reaume, L. A. Grison, E. R. E. Riel, M. D., J. T. C. T. Beaubien, M. D., P. St. Jean, M. D., J. B. Cantin, J. G. Turgeon, Horace Lapierre, N. Germain, Eugène Martineau, L. J. B. Lazure, Chas. E. Turgeon, F. X. Lapierre, of the city of Ottawa, and others, have represented that they have formed, in the city of Ottawa, a Literary and Scientific Association under the name of *L'Institut Canadien Français de la Cité d'Ottawa*,

Preamble.

d'Ottawa, for the purpose of establishing a Library and Reading Room, and of organizing a system of mutual and public instruction, by means of lectures and courses of instruction, and have petitioned for an Act to incorporate the said association, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Pierre Marié, J. B. Turgeon, A. T. W. Reaume, L. A. Grison, E. R. E. Riel, M. D., J. T. C. T. Beaubien, M. D., P. St. Jean, M. D., J. B. Cantin, J. G. Turgeon, Horace Lapierre, N. Germain, Eugène Martineau, L. J. B. Lazure, Chas. E. Turgeon, F. X. Lapierre, together with such other persons as now are members of the said association, or may hereafter become members thereof, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *L'Institut Canadien Français de la Cité d'Ottawa*, for the purposes above mentioned.

Corporate name.

Quorum for transaction of business.

2. A quorum composed of ten of the active members of the said association, and chosen at its semi-annual meetings which are held in April and October in each and every year, shall have full power and authority to transact the business of the association.

Committee for that purpose.

3. Such quorum shall have power to form a committee composed of not more than seven and not less than three of its members to transact such business as the said association may require.

To make rules and regulations

4. The said quorum shall have power to make and frame such rules and regulations in addition to those already existing in the original constitution of the said *L'Institut Canadien Français de la Cité d'Ottawa* and registered in the Registry Office of the County of Carleton, number nine thousand six hundred and six, as may be necessary for the better management and government of its affairs—said rules and regulations to be first submitted to the members of the association, and approved by them, at one of its regular meetings.

To be submitted to members.

Recital.

5. And whereas real property purchased by Mr. Pierre Marié of the city of Ottawa, and vested in his own name, virtually belongs to the said *L'Institut Canadien Français de la Cité d'Ottawa*, and is at present unavailable to and for the use of the said association: therefore it is enacted that so soon as this Act shall come into force, the said Pierre Marié shall and will assign and set over to the said *L'Institut Canadien Français de la Cité d'Ottawa*, all the property which he has purchased for the said association.

Property in question to be transferred.

But all costs, &c., must first be paid.

6. The said association shall be responsible for all costs, charges and liabilities which the said Pierre Marié shall have incurred

incurred on account of the said property ; but nothing herein contained shall make it obligatory on the part of the said Pierre Marié to make any assignment to the said association, until such costs, charges and liabilities so incurred shall have been discharged.

7. The said association shall be at liberty to dispose of the said lands, in whole or in part, so soon as they shall have come into possession of the same, and to lease or deed the same as the case may be, such leases or deeds to be signed by the President, Treasurer and Secretary of the said association, and to have the seal of the said association thereunto attached.

Corporation may sell or lease the land.

8. The revenue or money accruing from the deeding or leasing of the said lands shall be used firstly, in liquidating the debts of the said *L'Institut Canadien Français de la cité d'Ottawa*.

Application of proceeds.

Secondly.—In repairing or replenishing the library of the said Association.

Thirdly.—In building on their newly acquired lot, opposite the Roman Catholic Cathedral of the city of Ottawa ; and fourthly for the maintenance of the said Association.

9. The said association are hereby empowered to take a conveyance in their corporate name of the property opposite the Roman Catholic Cathedral in the city of Ottawa aforesaid, recently acquired by them, and for their own accommodation to erect the necessary buildings thereon ; and the said association may, from time to time, acquire, hold and possess such other real estate as they may deem necessary, and may alienate and dispose of the same from time to time, so that the whole real property held by them shall at no time exceed in annual value the sum of five thousand dollars.

Corporation may acquire and erect buildings on certain property.

Other property limited.

10. The original constitution of the said *L'Institut Canadien Français de la cité d'Ottawa* shall not be altered except by a vote of two-thirds of the members thereof.

Original constitution not altered.

11. The said *L'Institut Canadien Français de la cité d'Ottawa* shall have a right to sue in any of the Courts of Justice in Upper Canada, to recover any debts due to the said association by any of its members or any other person or persons whomsoever.

Right to sue, &c.

12. It shall be the duty of the said association to lay before the Auditor-General, when required, a detailed statement of real property held by virtue of this Act, and of the revenue arising therefrom, and of their receipts and expenditure.

Returns to Auditor General.

13. This Act shall be deemed a Public Act.

Public Act

CAP. XCVIII.

An Act to incorporate the Rideau Club of the City of Ottawa.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the persons hereinafter named, with a large number of others in Quebec and elsewhere in the Province of Canada, have associated themselves for the establishment of a Club for social purposes, and whereas certain of the said hereinafter named persons have prayed to be incorporated by the name of the "Rideau Club," of the City of Ottawa, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons
incorporated
under the name
of the Rideau
Club.

1. The Honorable John A. Macdonald, the Honorable George Etienne Cartier, the Honorable George Brown, D. Ford Jones, Esquire, W. Shanly, Esquire, the Honorable John Carling, the Honorable L. H. Holton, the Honorable J. S. Macdonald, D. A. Macdonald, Esquire, the Honorable A. T. Galt, the Honorable Hector L. Langevin, Alex. Morris, Esquire, the Honorable W. P. Howland, the Honorable L. Wallbridge, the Honorable James Cockburn, the Honorable J. C. Chapais, R. J. Cartwright, Esquire, T. C. Wallbridge, Esquire, the Honorable C. Alleyn, M. C. Cameron, Esquire, Robert McIntyre, Esquire, John Poupore, Esquire, W. McGiverin, Esquire, R. S. Atcheson, Esquire, the Honorable D. L. Macpherson, the Honorable John Ross, the Honorable D. C. Price, C. J. Brydges, Esquire, Thomas Reynolds, Esquire, Æmilus Irving, Esquire, Thos. Swinyard, Esquire, the Honorable Alex. Campbell, the Honorable J. J. C. Abbott, the Honorable Thos. D'Arcy McGee, Wm. F. Powell, Esquire, Alonzo Wright, Esquire, J. M. Currier, Esquire, the Honorable T. Ryan, the Honorable Sir N. F. Belleau, the Honorable James Skead, the Honorable J. J. Fergusson Blair, the Honorable John Hamilton, (Inkerman,) Thos. McGreevy, Esquire, H. Bernard, Esquire, J. Ashworth, Esquire, Allan Gilmour, Esquire, J. G. Vansittart, Esquire, the Honorable G. W. Allan, Ralph Jones, Esquire, the Honorable M. Laframboise, Geo. Irvine, Esquire, W. McNaughton, Esquire, William White, Esquire, Robert Bell, Esquire, John Bell, Esquire, F. Cumberland, Esquire, the Honorable J. Hillyard Cameron, the Honorable James Shaw, the Honorable A. B. Foster, C. S. Gzowski, H. J. Noel, and William Petrie, Esquires, the Honorable John Rose, and such other persons as now are or hereafter shall become members of the said association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of the "Rideau Club," and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take, and receive

Corporate
Powers.

receive, to them, and their successors, to and for the actual occupation of the said Corporation, any lands, tenements and hereditaments, and real and immovable property and estate, situate, lying and being within the City of Ottawa, and the same to sell, alienate and dispose of, whensoever the said Corporation may deem it proper so to do; and the constitution, rules, and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said Corporation; provided always, that the said Corporation may, from time to time, alter, repeal and change such constitution, rules and regulations, in the manner provided by the constitution, rules and regulations of the said corporation.

Real estate.

Constitution, rules and regulations.

Proviso: for amendments.

2. All property and effects now owned by or held in trust for the said Association, are hereby vested in the said corporation, and shall be applied solely to the maintenance of the said corporation.

Property of existing association transferred.

3. No member of the Corporation shall be liable for any of the debts thereof, beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may remain unpaid by such member; and any member of the Club not being in arrear may retire therefrom, and shall cease to be such member, on giving notice to that effect in such form as may be required by the by-laws thereof, and thereafter shall be wholly free from liability for any debt or engagement of the club.

Liability of members of the Corporation limited.

4. It shall be lawful for the said corporation to issue stock to such extent as they may deem necessary, not exceeding in the aggregate the sum of forty thousand dollars, in shares of one hundred dollars each; such stock to be subscribed for in a book to be opened for that purpose by the committee of the said club, and to be paid up in such manner, and within such delay, as may be determined by the said committee.

Stock may be issued to a limited amount.

5. The funds arising from such stock shall be applied exclusively to the erection of a Club House and dependencies, and to furnishing the same.

Application of proceeds of stock.

6. The shares of such stock shall be assignable by delivery and surrender of the certificates to be issued to the holders of such shares respectively, and by assignment on the books of the corporation.

How stock may be assigned.

7. Each holder of such stock, duly paid up, shall be a proprietor of an undivided share of the real estate of the corporation, and of the buildings thereon to be erected, and shall be exempt from all liability beyond the extent of the stock he shall actually

Liability of stockholders limited.

actually hold ; Provided always, that no sale or transfer of any such share or of any interest in such real estate, by or under the authority of any execution out of a court of competent jurisdiction or otherwise, shall be held to be valid unless and until after due notice and demand, the said corporation shall refuse to purchase such share or interest at the then market value thereof, but in no case exceeding its par value.

Corporation
may pay off
stock.

8. It shall be competent to the said corporation to pay off so much of the said stock, from time to time, as the committee may deem desirable; the share or shares so to be paid off to be selected by the said committee by ballot.

Extinction of
stock on pay-
ment.

9. Such payment may be made by depositing in any of the chartered banks in this Province, to the credit of the holder or holders of such share or shares, the amount of such share or shares, and of all dividends unpaid thereon, and thereupon such share or shares shall, *ipso facto*, cease to exist.

Public Act.

10. This Act shall be deemed a Public Act.

C A P . X C I X .

An Act to authorize the Mortgaging of certain Property belonging to Christ Church, in the City of Ottawa, acquired for the erection thereon of a Parsonage House.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Minister and Church-wardens of the Church of the United Church of England and Ireland, commonly known as Christ Church, in the city of Ottawa, have, in pursuance of a Resolution passed at a meeting of the Vestry of the said Church in that behalf, petitioned for an Act to empower the authorities of the said Church to mortgage the Parsonage land, consisting of town lots numbers twenty-two, on the south side of Sparks street, and twenty-two on the north side of Queen street, in the city of Ottawa, the said lots numbering westward, and the buildings thereon erected, for the purpose of raising a sum not exceeding three thousand dollars, to be applied towards paying off the debt incurred in and about the erection of the Parsonage building thereon, and in completing the said building ; and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Minister, &c.,
of Christ
Church, Otta-
wa, may
mortgage the
Parsonage lot.

1. The Minister and Church-wardens of the Church of the United Church of England and Ireland, commonly known as Christ Church, in the city of Ottawa, may contract with any person or persons, party or parties, corporation or corporations,
for

for a conveyance or conveyances, by way of mortgage, of the Parsonage lot aforesaid, together with all buildings thereon, as security for the payment of money borrowed, or to be borrowed by them, but the amount which they are authorized to raise as aforesaid, shall not exceed the sum of three thousand dollars.

2. The moneys raised by such mortgage shall be applied towards the payment of the debts incurred in and about the erection of the Parsonage building on the said land, and in and towards the completion of the said building; but no person paying any money to such Minister and Churchwardens in pursuance of this Act, and obtaining their receipt therefor, shall be required to see to the proper application of the money.

Application of
monies so
raised.

Proviso.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . C .

An Act to enable the Trustees of the Congregation of St. Andrew's Church in the Township of Ramsay, in connection with the Church of Scotland, to dispose of the glebe thereto belonging, and for other purposes.

[Assented to 18th September, 1865.]

WHEREAS the Trustees of the Congregation of St. Andrew's Church of the Township of Ramsay, in connection with the Church of Scotland, have, by their petition, represented that they are desirous of selling and disposing of the north-east quarter of lot number fifteen in the seventh concession of the Township of Ramsay, in the County of Lanark, which forms the glebe of the said church, and of applying the proceeds thereof to the acquisition of a site and the erection of a Manse in or near the Village of Almonte, to be held by the said trustees, for the use and benefit of the Minister of the said congregation; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The present Trustees of the Congregation of St. Andrew's Church of the Township of Ramsay, in connection with the Church of Scotland, or their successors duly elected as such, or a majority of them or either of them, shall have power to sell, alienate, dispose of and, by a good and sufficient title or titles under their hands and seals, to convey the north-east quarter of lot number fifteen in the seventh Concession of the Township of Ramsay, in the County of Lanark, and that in one lot or in more lots or portions, to any person or persons willing

Trustees of
St. Andrew's
Church in
Ramsay em-
powered to sell
certain property
of the Church.

Proviso :
Liability of
Trustees, &c.

willing to purchase the same, and to apply the proceeds of such sale or sales to the acquisition of a site and the erection of a Manse in or near the Village of Almonte, to be held by the said Trustees for the use and benefit of the Minister of the said Congregation; Provided always, that the said Trustees who join in the sale and conveyance of the said lot of land or of any portion or portions thereof, shall be personally liable to see to the application of the moneys arising therefrom to the purposes contemplated by this Act, but the purchasers shall not.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . C I .

An Act to enable the Incumbent of Trinity Church, in the Town of Simcoe, to sell and convey a certain parcel of land therein mentioned.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the incumbent and church-wardens of Trinity Church, in the Town of Simcoe, in the County of Norfolk, have, by their petition, represented that a parcel of land, composed of the north-easterly part of lot Number Two, in the Fifth Concession of the Township of Woodhouse, was, on the twelfth day of August, one thousand eight hundred and fifty-three, conveyed to the incumbent of the said Trinity Church, in trust, that the rents and proceeds arising out of the said parcel of land should be applied towards the support and maintenance of a minister doing duty in the said Trinity Church in accordance with the doctrines and discipline of the United Church of England and Ireland, and have further represented that the said parcel of land has been found in a great measure unproductive, and that it is deemed advisable and in the interest of the incumbent and congregation of the said Trinity Church, that the said parcel of land should be sold, and the proceeds applied towards the purchase of a parsonage-house, or the purchase of a site and the erection of a parsonage-house in connection with the said Trinity Church, in the Town of Simcoe, and have prayed for the passage of an Act of the Legislature giving them the necessary authority in that behalf, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power to sell a
certain tract of
land in the
township of
Woodhouse.

1. The incumbent of Trinity Church, in the Town of Simcoe, shall be and is hereby authorized to sell, in one or more parcels, and for the best prices that can be reasonably obtained therefor, and to convey to the purchaser or purchasers thereof, in fee simple, all and singular that certain parcel or tract of land composed of the north-easterly part of lot Number Two, in

in the Fifth Concession of the Township of Woodhouse, described in a conveyance from George Potts, and his wife, to the Reverend Francis Evans, the then incumbent of the said Trinity Church, and recorded in the Norfolk Registry office in Memorial number eight thousand and twenty-seven.

2. The proceeds arising from such sale or sales shall be invested in the purchase of a parsonage-house with the necessary grounds, or the purchase of a site and the erection of a parsonage-house in connection with the said Trinity Church, in the said Town of Simcoe.

Proceeds to be invested in the purchase of a parsonage house, &c.

3. The conveyance of the said parsonage-house and grounds shall be made to, and the fee shall be vested in, the incumbent and church-wardens and their respective successors forever, in trust, that the same shall be held for the benefit of the congregation in connection with the United Church of England and Ireland worshipping in the said Trinity Church, in the said Town of Simcoe.

Property to be vested in the incumbent and church-wardens.

4. The purchaser shall not be bound to see to the application of the purchase money; but a release and discharge under the hand of the aforesaid incumbent of Trinity Church shall liberate him from all responsibility in respect of the application thereof.

Purchaser not bound to see to application, &c.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . C I I .

An Act to amend the Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec, and of Three Rivers, and of Montreal and Saint Hyacinthe.

[Assented to 18th September, 1865.]

WHEREAS the Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three Rivers, has, by petition, prayed for certain amendments to the Act passed in the sixteenth year of Her Majesty's Reign, intituled: *An Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec, and of Three Rivers, and of Montreal and Saint Hyacinthe*, and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

16 V. c. 149.

1. The said Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three Rivers may hold its office at Quebec or at any place within the limits of the said Dioceses; provided always, that public notice of any change of office

Place of holding office.

Notice of office

change to be
given.

office shall be given by an advertisement published four times in the English and French languages in the *Canada Gazette*.

Act 18 V. c. 60
to apply.

2. The Act passed in the eighteenth year of Her Majesty's Reign, chapter sixty, intituled : *An Act to amend the Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of Montreal and Saint Hyacinthe*, shall apply as well to the Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three Rivers, as to that of the Fabriques of the Dioceses of Montreal and Saint Hyacinthe.

Public Act.

3. This Act shall be deemed a Public Act.

Vide Curé 157 liç 29-30 CAP. CIII.

An Act to incorporate the *Curé* of the Parish of *Notre Dame de Québec*.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Reverend Joseph Auclair, Priest, *Curé* of the Parish of *Notre Dame de Québec*, hath by his petition represented that by a Deed of Sale dated the eleventh day of December, one thousand eight hundred and sixty-two, and executed at the City of Quebec, before Bolduc and another, Notaries, he did acquire from Jean Robitaille and Louise Boivin, his wife, of the said City, two certain lots of land mentioned and described in the said petition, situate in the Saint John suburb of the said City, that is to say : First, a lot of land on the north side of Saint John street, in the said suburb, containing thirty-three feet six inches in front on Saint John street aforesaid, and forty feet nine inches in rear, by sixty-four feet in depth, bounded in front, to the south, by Saint John street aforesaid, in rear, to the north, by the lot herein-after described, on one side, towards the east, by Deligny street, and on the other side, towards the west by the property of Michel Denis ;—and second, a lot of land situate in the same place, adjoining in rear the lot hereinbefore described, containing forty feet nine inches in front and forty-eight feet six inches in rear by a depth of sixty-eight feet ; bounded in front, towards the south, by the lot hereinbefore described, and in rear, towards the north, by D'Aiguillon street, on one side, to the east, by Deligny street aforesaid, and on the other side, to the west, partly by the property of the said Michel Denis and partly by the property of one Moisan ; on which lots the said Reverend Joseph Auclair has caused to be built, at his own expense, a School-house for an elementary school, in which the Roman Catholic children of Saint John Suburb aforesaid, have been receiving elementary instruction since the year one thousand eight hundred and sixty-three ; that by another Deed dated the twenty-fifth of February, one thousand eight

Lots purchased
by Curé in St.
John's Suburbs

School house
erected.

eight hundred and sixty-five, and executed in the said City of Québec, before Tessier and another, Notaries, the said Reverend Joseph Auclair, did acquire from William Culliton, of the said City, Innkeeper, a certain lot of land described as follows, in the said deed and in the said petition, that is to say :—a lot of land situate in the Upper Town of the said City, on the west side of Sainte Angèle street, containing forty feet in front by eighty feet in depth, bounded in front to the east by Sainte Angèle street aforesaid, in rear, at the end of the said depth, by the property of the representatives of one Dénéchaud, on one side, to the south, by the property of George Alford, representing Louis Tapin, and on the other side, to the north, by D'Aiguillon street, on which lot the said Reverend Joseph Auclair is at present causing a building to be erected, in which to place the Commercial School, which he has founded in the said City for the advantage of the Roman Catholic children of the said City ; and whereas the said Reverend Joseph Auclair hath further represented that being desirous of providing for the continuance of the said schools so established in the interest of the Roman Catholic youth of the said City, he wishes to transmit the said lots, with the buildings erected and being erected thereon, and the furniture of the class-rooms of the said schools to the *Curés*, his successors in the cure of souls in the said parish, so that the said *Curés*, and each of them respectively, may manage, administer, govern, and have the absolute and exclusive control of the said lots, buildings, class-rooms, and furniture of the class-rooms already opened, or which may be opened in future ; but that he cannot effect such transmission or assignment without an Act authorizing him so to do ; and whereas the said Reverend Joseph Auclair, has in and by his said petition prayed that he and his successors respectively in the cure of souls in the said Parish may be incorporated for the above purposes ; and whereas it is just that the said prayer should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Further lot purchased.

School house to be erected.

Object of incorporation.

1. The said Reverend Joseph Auclair, and each of his successors, as *Curés* of the said Parish of *Notre Dame de Québec*, shall be and is hereby constituted and declared to be in fact and in name a body politic, incorporated for the aforesaid purposes only, under the name of "The Corporation of the *Curé* of the Parish of *Notre Dame de Québec*," and as such shall have and possess all the rights granted by law to corporations according to the provisions of the Interpretation Act, and may acquire, hold and possess all real or immovable estate being and situated in Lower Canada necessary for the actual use and occupation of the said Corporation, and may sell or otherwise alienate such immovable property, and with the proceeds of such sale or other alienation may acquire other immovable property, for the purposes of this Act only.

The Curé of the Parish of Notre Dame de Québec incorporated.

Certain property transferred to the said Corporation.

2. From and after the passing of this Act, the said lots of land hereinbefore described, the buildings erected and being erected thereon, and all the furniture of the said schools and class-rooms shall be, and the same are hereby transferred to the said Corporation, which shall have the possession, enjoyment, management, administration and control thereof for the purposes aforesaid, according to the provisions of this Act :

Rights of third parties saved.

2. But nothing contained in this Act shall prejudice any rights of third parties with respect to the said lots of land and other properties as aforesaid, existing before the passing of this Act ; and all such third parties shall have and retain against the said Corporation all and every the rights, privileges and actions they had and possessed in respect of the said properties before the passing of this Act.

Acting Curé to represent the Corporation.

3. In the case of a vacancy in the said living from any cause whatever, the said Corporation shall be represented, under its said name, by the Priest exercising the functions of *Curé* in the said Parish, until a *Curé* has been appointed to the said Parish by the Roman Catholic ecclesiastical authority of the *Archidiocèse* of Quebec.

Public Act.

4. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

C A P. C I V .

An Act to authorize the *Curé* and *Marguilliers* of the *Œuvre* and *Fabrique* of the Parish of *Notre Dame de Québec*, to borrow a certain sum of money on the security of the property of the said *Fabrique*.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the *Curé* and *Marguilliers* of the *Œuvre* and *Fabrique* of the Parish of *Notre Dame de Québec*, have, by their petition to Parliament represented that the said *Fabrique* is now indebted to a considerable number of persons, residing in various parts of the Province, in sums amounting together to twenty-five thousand pounds currency ; that the payment of interest on the said sums to so many persons, at different times and places, as it falls due, is very inconvenient, and that the said *Fabrique* is moreover obliged to borrow money in order to pay off such of its creditors as require the payment of the capital sums due to them ; that the petitioners could obtain the above-mentioned sum from one person, with easy terms of payment, and that it would be very much for the interest of the said *Fabrique* that advantage should be taken of the opportunity to substitute one creditor for the many it has at present ; but that the person who offers to lend the said sum

of

of money requires that the Petitioners should be authorized to borrow it and to hypothecate the property of the *Fabrique* to the lender ; and whereas the said Petitioners have prayed to be authorized to borrow the said sum and to hypothecate the property of the *Fabrique* to the lender, as well as to do all other acts that may be necessary to secure the payment of principal and interest to the said lender ; and whereas it is just that the prayer of the said petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said *Curé* and *Marguilliers* of the *Œuvre* and *Fabrique* of the Parish of *Notre Dame de Québec*, are hereby authorized to borrow the said sum of twenty-five thousand pounds currency, and to hypothecate the property of the *Fabrique* in favor of the lender of the said sum, as well as to do all such acts as may be necessary in order perfectly to secure to the lender the payment of the said sum, with interest at the time and on the conditions that may be agreed upon between the parties.

Petitioners authorized to borrow £25,000, and hypothecate property of the *Fabrique*.

2. The said *Fabrique* shall bind itself in and by the deed or deeds acknowledging the said loan to lay by ten per cent. of its income annually, in order to form a sinking fund towards the re-payment of the capital sum lent ; and in case the said *Fabrique* should fail to create the said sinking fund, it shall be lawful for the lender of the said sum to exact the payment of the said sum of twenty-five thousand pounds, without waiting for the expiration of the term for which the loan may be made.

Sinking fund to be provided for in deed of loan.

3. This Act shall be deemed a Public Act, and the Interpretation Act shall apply to it.

Public Act.

C A P. C V .

An Act for the incorporation of Jeffery Hale's Sunday School of the City of Quebec.

[Assented to 18th September, 1865.]

WHEREAS the late Jeffery Hale, Esquire, who hath recently departed this life, did, by his last Will and Testament, give and bequeath to Christian Wurtele, of Quebec, a certain school-house to him belonging, situate in St. Joachim street, in the City of Quebec, with the two adjacent buildings and the ground on which they are built, as also the sum of one thousand pounds currency, upon the trust that the same shall be used for Sabbath School purposes ; and whereas he desired to secure the permanency of the said object, and in and by his said Will suggested that the said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey, should

Preamble.

should obtain an Act of Incorporation for the purposes aforesaid ; and whereas the said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey have, by their petition, prayed to be incorporated for the above purpose, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Certain persons incorporated.

1. The said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey, and such other persons as they may associate with them under the provisions of this Act, shall be, and are hereby declared to be, a body politic and corporate, under the name of Jeffery Hale's Sunday School of the City of Quebec ; and the said body corporate shall be able and capable in law to sue and be sued, implead and be impleaded, and shall have the other corporate powers vested in corporations by the Interpretation Act, and shall have power from time to time to make such By-laws and regulations for the government of the said Sunday School as shall be required or seem beneficial, and to alter and repeal the same and make others in their stead ; Provided always, that the same be not contrary to the laws of this Province, nor to this Act ; and shall also have power to hold property movable or immovable for the benefit of the said School ; Provided always, that the said body corporate shall not hold real property other than what may be required for the actual use and occupation of the Corporation for the purposes mentioned in this Act.

Corporate powers.

Proviso.

Proviso.

Who shall be life members of the Corporation.

2. The said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey shall be life members of the said Corporation ; and they, by a unanimous vote, may, at a meeting duly convened, nominate and appoint additional life members, and the said life members, or the survivors of them, by a unanimous vote may appoint other life members, and shall annually appoint their President ; Provided however, that the said Christian Wurtele shall, during his natural life, be the President of the said Corporation, and in all cases of an equal division of opinion have a casting or second vote ; and a like power is hereby given to his successor ; and provided always, that at no time shall the number of life members exceed six, nor shall any person be appointed to be a life member unless he professes the Protestant faith.

Proviso.

Proviso.

Corporation to make returns to the Legislature, &c., when required.

3. The Corporation shall, at all times, when thereunto required by either Branch of the Legislature or by the Auditor General, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as may be required.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. C V I.

An Act for the incorporation of Jeffery Hale's Hospital of the City of Quebec.

[Assented to 18th September, 1865.]

WHEREAS the late Jeffery Hale, Esquire, who hath recently departed this life, did by his last Will and Testament bequeath to Christian Wurtele, of Quebec, real and personal property amounting in value to nine thousand pounds or thereabouts, in trust and upon the condition that he should, and would realize and dispose of the same to the best advantage, and apply the proceeds thereof to the establishment at Quebec, of a Protestant Hospital, for the relief and cure of sick and infirm persons professing the Protestant religion, without regard to sect or denomination, the same to be for ever under Protestant control and direction; and whereas, in his said Will, he suggested that an Act of incorporation should be obtained by the said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, in order to secure the permanency of the said Hospital; and whereas the said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, have by their petition prayed to be incorporated for the above purpose; and whereas it is desirable to grant to the said petitioners such an Act of incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, and such other persons as may, under the provisions of this Act, become Governors of the said Hospital, shall be and are hereby declared to be a body politic and corporate under the name of Jeffery Hale's Hospital of the City of Quebec; and the said body corporate shall be able and capable in law to sue and be sued, implead and be impleaded, and shall have the other corporate powers vested in Corporations by the Interpretation Act, and shall have power from time to time, to make such by-laws and regulations for the government of the said Hospital and of the officers of the said body corporate, as shall be required or seem beneficial, and to alter and repeal the same and make others in their stead; provided always, that the same be not contrary to the laws of this Province nor to this Act; and shall also have power to hold for the purposes of this Act the movable and immovable property so bequeathed by the said Jeffery Hale, and any real or immovable property and estate requisite and necessary for the actual use and occupation of the said Corporation; and the said corporation may also acquire any other real estate or any interest therein by gift, devise or bequest; and the Corporation may hold such estate as may not be necessary for its actual use and occupation for a period of not more than three years; and

Certain persons incorporated with certain powers.

By-laws.

Proviso.

Real property and limitations respecting it.

Personal property.

Proviso.

and any estate so acquired, if not necessary for actual use and occupation as aforesaid, and if not alienated or disposed of within the said three years, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the said Corporation are empowered to hold movable property, and to sell and assign the same, and any real or immovable property that it may be or become possessed of; provided always that all the property of the said Corporation, real or personal, shall be applied solely to the purposes aforesaid, and to no other use or purpose whatever.

Who shall be life members of the Corporation.

Proviso.

Proviso.

2. The said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, shall be the Governors of the said Hospital for life, and they may, by a unanimous vote, at a meeting duly convened, nominate and appoint additional governors for life of the said Hospital, and such governors shall have the same power and authority as the persons before named; and the said governors, or the survivors of them, by a unanimous vote, shall, from time to time, appoint other governors, and shall annually appoint their president; provided, however, that the said Christian Wurtele shall, during his natural life, be the president of the said Corporation, and, in all cases of an equal division of opinion, have a casting or second vote; and a like power is given to his successor; and provided always, that at no time shall the number of governors exceed six, nor shall any person be appointed governor, or hold the office, unless he professes the Protestant faith.

Corporation to make returns to the Legislature, &c., when required.

3. The Corporation shall, at all times, when thereunto required by either branch of the Legislature, or by the Auditor General, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as may be required.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . C V I I .

An Act to incorporate "The St. Catherines General and Marine Hospital."

[Assented to 18th September, 1865.]

Preamble.

WHEREAS an Hospital has been established in the Town of St. Catherines, in the County of Lincoln, for the assistance, benefit and relief of persons sick or injured by accidents, and the undermentioned persons, the present trustees of the said institution, have petitioned that corporate powers may be conferred upon them; and whereas it is expedient to grant the said petition: Therefore, Her Majesty, by and with

with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Messieurs Theophilus Mack, M.D., James Rea Benson, James George Currie, James Norris, Bernard King and Thos. Burns, and all others who shall under the provisions of this Act become members of the said institution, or who are now such, shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of "The St. Catherines General and Marine Hospital."

Certain persons incorporated.

Corporate name.

2. The said Corporation may purchase, acquire and hold, sell, lease or otherwise alienate any real estate within this Province which they may require for their actual use and occupation, so as the annual value of the real estate held by it at any one time does not exceed the sum of five thousand dollars ; and the said corporation shall further have the right of appointing an attorney or attorneys for the management of its affairs, and to also appoint and remove at pleasure such Physicians, officers and servants as may be deemed desirable.

Corporate powers.

Appointing attorneys.

3. And the said corporation shall and may, from time to time, hold assemblies and meetings of the members of the said corporation, which shall be called together in such manner, and at such times and places, as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporation, and shall and may, at any meeting, elect such persons to be members of the said corporation as they, or the major part of them present, shall see fit ; Provided always that no act done in any such assembly or meeting of the said corporation shall be valid or effectual unless six members, at least, shall be present, and the major part of them consenting thereto.

Meetings of the Corporation.

Proviso.

Quorum at such meetings.

4. And the majority of those who shall be present at any of the meetings of the said corporation, to be held in the manner aforesaid, shall and may make and ordain any by-laws, rules and regulations (not being contrary to the laws of this Province or to this Act), as they shall deem useful or necessary for the election of a committee of management, or trustees, and generally for the conduct or government of the said institution, and the same from time to time abrogate, repeal, change or alter, as may be found expedient.

Power to make by-laws.

5. The estate, real and personal, of the said institution, when this Act goes into force, or then held in trust for it, shall become the property of the corporation hereby created ; and the officers and the managing committee and trustees of the said institution shall be and continue to be the officers and managing committee of the said corporation until others shall be elected in their stead ; and the by-laws, rules and regulations of the said institution shall be and continue to be by-laws, rules

Estate of institution transferred to Corporation.

By-laws and officers con-

tinued until
changed.

rules and regulations of the said corporation until altered or repealed.

Annual Report.

6. The said corporation shall render to both Houses of the Provincial Parliament and to the Auditor General annually, a return of the affairs of the Corporation, and of the real and personal property held by them, which return shall be presented within the first twenty days of each session of the said Parliament.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. CVIII.

An Act to incorporate the Knowlton Cemetery Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the persons hereinafter named, and others, by their petition have set forth, that for many years past certain of their number have, as trustees, been in possession of a piece of land in the Township of Brome under a supposed title, for use as a public Cemetery, and that many interments have taken place therein, and the same is in constant use, and is on public grounds, needed for a Cemetery, and have prayed to be incorporated as hereinafter is set forth, in order to the perpetual keeping up of the same as such Cemetery; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. Hiram Sewell Foster, Nathaniel Pettes, Austin Wheeler, Luke M. Knowlton, Israel England, James Ball, John Macfarlane, Timothy E. Chamberlain, and Norman Tibbet, of Brome aforesaid, Esquires, and all other persons who may, by virtue of this Act replace or join them for the above purpose, are hereby constituted a body corporate or politic, by the name of "The Knowlton Cemetery Company," and by that name may, by any legal title, acquire, and may hold for ever, for use as a public Cemetery, the said piece of land, and any other land adjacent thereto, not exceeding in the aggregate a total of five acres, and by contributions or otherwise, as by their by-laws shall be provided, may form a fund for the due maintenance and embellishment thereof; and from time to time may make by-laws for the admission and for the expulsion of members of the corporation, and for the formation, maintenance, management and application of such fund, and for defining and regulating all manner of rights of the corporation, and of the members thereof, and for imposing and enforcing any penalty or forfeiture, and generally for the government of all business connected with the corporation; and may, from time to time, amend or repeal such by-laws; and all such rights, penalties and

Name.

Corporate powers.

Real estate.

By-laws.

Penalties.

and forfeitures, shall be such and such only, and may be enforced in such mode, and in such mode only, as by such by-laws shall be defined and limited.

2. All the revenues of the corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the corporation, and the furtherance of the object aforesaid. Appropriation of revenue.

3. The corporation may administer their affairs by such and so many directors and other officers, and under such restrictions as touching their powers and duties, as, by by-law, they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite. Directors and officers.

4. In any suit or legal proceedings by or against the corporation, no person shall be disqualified as a witness, by reason of his being or having been an officer or member thereof. Members may be witnesses, &c.

5. The corporation shall at all times, when thereunto required by either Branch of the Legislature, or by the Auditor General, make a full return of their property, and of their receipts and expenditure, for such period, and with such details and other information as may be required. Returns to Government.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . C I X .

An Act to incorporate "The Montreal Saint Bridget's Refuge.

[Assented to 18th September, 1865.]

WHEREAS certain persons, residing in the City of Montreal, have acquired a large lot of ground on which they have erected a commodious building for the purpose, among other charitable objects, of establishing therein a Night Refuge for the homeless poor of said city, without distinction of origin or religion; and whereas said persons and others, anxious to promote their charitable object, have, by their petition, represented that they would be materially aided, and their institution rendered more stable and effective, by the character of a legal corporation being accorded to them: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The Reverend Patrick Dowd, the Reverend James Hogan, Albert Furniss, Charles Theodore Palsgrave, Michael Patrick Ryan, Bernard Devlin and Neil Shannon, and all others who may, from time to time, succeed them as Director, Vice-Director and Trustees, in the manner hereinafter mentioned, shall

Corporation erected.

be, and they are hereby nominated and constituted a body politic and corporate, by the name and style of the "Director, " Vice-Director and Trustees of the Montreal Saint Bridget's " Refuge."

Director.

2. The Reverend Patrick Dowd, the present Director of St. Patrick's Church, in the said City of Montreal, shall be the first Director of the said Montreal Saint Bridget's Refuge ; and at all times the Director or Senior Clergyman of said church, duly appointed, shall be the Director of said Corporation.

Vice-Director.

3. The Reverend James Hogan, the present Almoner of the Irish Catholic Poor, shall be the first Vice-Director of the said Montreal St. Bridget's Refuge ; and at all times the Almoner of the Irish Catholic Poor, duly appointed, shall be the Vice-Director of the said Montreal St. Bridget's Refuge.

Trustees.

4. The Corporation shall at all times consist of five Members in addition to the Director and Vice-Director, and not more.

Who may be elected Trustees.

5. The members of the St. Patrick's Congregation in the City of Montreal, residing in the Parish of Montreal, and they only, shall be eligible to be elected Trustees of the said Montreal St. Bridget's Refuge ; and any change of residence from the Parish of Montreal, absence from the said Parish for two years or upwards or from the Meetings of the Corporation during six months, or resignation, shall vacate the office of any Trustee, and he shall be replaced by another elected in conformity with the By-laws of the Corporation.

Corporate powers.

Real estate.

Transfer of property held by Trustees.

6. The said Corporation shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said Corporation and the buildings necessary therefor, only, all lands and property, movable and immovable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said Corporation ; and to sell, alienate, convey or lease the same if need be ; and all property now held by said Trustees, or by any of them, or by any other party or parties for the use of the Charity hereby incorporated, shall, from and after the passing of this Act, be vested in the said Corporation ; provided that the annual income to be derived from such immovable property shall not exceed the sum of eight thousand dollars.

Quorum.

7. No Act done by the said Corporation shall be valid and effectual, unless the Director or Vice-Director for the time being and three of such Trustees at the least shall be present, and the major part of them consent thereto.

Trustees to fill up vacancies among themselves.

8. All vacancies which may occur in the office of Trustees when and as often as the same shall happen, whether by absence from the Parish of Montreal during two years or upwards, change

change of residence from said place, absence from the Meetings of the Corporation during six months consecutively, death or resignation, shall be filled up in such manner as shall be provided by the By-laws of the said Corporation.

9. The Corporation shall have power to frame and establish *By-laws.* such By-laws, Orders and Regulations (not being contrary to the Laws of this Province or to this Act) as they shall deem useful or necessary for the temporal administration of the Institution, to which solely this power shall apply ; and from time to time to alter or amend the same.

10. The said Corporation shall make Annual Returns to *Annual returns* the Auditor General of this Province, showing the amount of their Receipts and Expenditure during the next preceding year, and of the Real and Personal Estate held and enjoyed by said Corporation.

11. This Act shall be deemed a Public Act.

Public Act.

C A P . C X .

An Act to incorporate the Society called *La Caisse de Bienfaisance de Tempérance, section St. Jacques,* of the City of Montreal.

[Assented to 18th September, 1865.]

WHEREAS an association under the name of *La Caisse de Bienfaisance de Tempérance, section St. Jacques;* *Preamble.* has existed for several years, in the City of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance, and other advantages to the widows and children of deceased members ; and whereas the members of the said association have prayed to be incorporated, and it is expedient to grant their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Léon Hurteau, J. B. Delonchamps, Zotique Laberge, *Certain persons incorporated.* Frs. Lapointe, Adolphe Gibeau, J. Prud'homme, J. O. Pauzé, François Loranger, S. Beaumont, Alphonse Desjardins, Joseph Beaucaire and Felix Boismenu, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *La Caisse de Bienfaisance de Tempérance, section St. Jacques, of the City of Montreal,* *Corporate name and powers.* and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors,

Real estate.

successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, not exceeding in annual value two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, for the same purposes;

By-laws.

and any majority whatsoever of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also the regulations and by-laws of the said association that may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said corporation, and the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

General powers.**Application of rents, revenues, &c.**

2. The rents, revenues and profits of the said corporation, shall be appropriated and employed exclusively for the benefit of the members of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Estate, &c., of existing association transferred to Corporation.

3. All real and personal estate at present the property of the said association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act; and the said corporation shall be charged with all the liabilities and obligations of the said association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Appointment of administrators and other officers.

4. The members of the said corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the corporation, and such officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers

powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation.

5. The said corporation shall be bound to make annual reports to the Governor and to both branches of the Legislature, containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of every session of the Legislature. Annual report.

6. No sum of money granted by the said corporation under its constitution, or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; provided always, that nothing in this section contained shall in any manner affect the right of any creditor in respect of any sum of money due by the said corporation to any of its members by reason of any contract or undertaking between the said corporation and such member. Money granted as aid by Corporation not liable to seizure.
Provido.

7. This Act shall be deemed a Public Act. Public Act.

C A P . C X I .

An Act to incorporate the Society called *L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal.*

[Assented to 18th September. 1865.]

WHEREAS an Association under the name of *L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal*, has existed several years in the parish of Montreal, having for its object the aid of its members in case of sickness and the ensuring of like assistance, and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Jean Baptiste Pontbriand, David Labonté, A. Eugène Trudel, Oliver Labonté, Joseph Falardeau, Charles Falardeau, the younger, Henri Bleck, Langlais Charles Falardeau, the elder, Joseph Allard, Louis Napoléon Réel, Louis Boucher, Octave Gauthier, Joseph Girard, the elder, Séraphin Boucher, Honoré Tourville, Joseph Beausoleil, Napoléon Dusseau, Joseph Pontbriand, Jean-Baptiste Sauriol, Moïse Leclair, Prudent Leduc, Felix Charon, François Vésina, Joseph Allard dit Longpré, together with such other persons as now are Certain persons incorporated.

Corporate name
and powers.

are members of the said institution, or may hereafter become members thereof in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept, and receive for themselves and their successors, all lands, tenements and hereditaments, and all real and immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, such lands, tenements and hereditaments, real and immovable estate, not to exceed the annual value of two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations, and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws of the said association as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business matters appertaining to the said Corporation and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions, and by-laws to be hereafter passed and established.

Amount of real
property
limited.

Majority to
make By-laws.

Further powers
of majority.

Appropriation
of revenues for
certain pur-
poses only.

2. Provided always, that the rents, revenues and profits arising out of every description of immovable property belonging to the said Corporation shall be appropriated and employed exclusively for the benefit of the members of the said Corporation and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Property of
association
transferred to
corporation.

3. All real and personal estate at present the property of the said Association or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, such real property not to exceed in annual value, the amount above limited, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for

for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Corporation to appoint officers.

Their powers.

5. The said Corporation shall be bound to make annual reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every session of the Legislature.

Annual report to the Legislature.

6. No sum of money granted by the said Corporation under its constitution, or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; Provided always that nothing in this section contained shall in any manner affect the right of any creditor in respect to any sum of money due by the said Corporation to any of its members by reason of any contract or undertaking between the said Corporation and such member.

Money granted as aid by Corporation not liable to seizure.
Provido.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. CXII.

An Act to incorporate *Les Sœurs de l'Assomption de la Sainte Vierge* of the Parish of St. Gregoire.

[Assented to 18th September, 1865.]

WHEREAS there has existed for many years, in the Parish of St. Gregoire, in the District of Three Rivers, in this Province, a religious community known by the name of *Sœurs de l'Assomption de la Sainte Vierge*, whose objects are the instruction of young girls and the practice of works of Christian charity; and whereas the said community hath, by the petition of its Superior and principal officers, hereinafter named, to the Legislature in its present session represented that the advantages resulting from the said community would be increased by

Preamble.

by its incorporation, and hath prayed to be incorporated according to the terms and conditions hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Corporation constituted.

1. Mesdames Hedwidge Buisson, Superior of the said community, Mathilde Leduc, Assistant, Julie Courtois, second Assistant, Delima Boncher, Mistress of Novices, Marie E. R. Millar, teacher, and such other persons as shall become members of the said community, and fill the aforesaid offices, and reside in the said parish of St. Gregoire, shall be and are hereby constituted a corporation by the name of *Les Sœurs de l'Assomption de la Sainte Vierge*.

Corporate name.

Power to make rules, orders and regulations.

2. Three members of the said Corporation, including the Superior, who shall always be the President *ex-officio*, shall form the quorum thereof, and shall have full power to make and establish such rules, orders and regulations (not being contrary to the laws of this Province or to this Act) as they may deem useful and necessary as well for the advantage of education and of works of Christian charity as for the government of the community, and also for the management and administration of all movable or immovable property belonging to the Corporation ; and the said Corporation shall also have power in its corporate name to acquire and possess, for all the purposes of the said community, any landed or other property, movable and immovable, which may hereafter be sold, transferred, given in exchange, given, devised, or granted to the said Corporation, and, if need be, to sell, hypothecate, alienate, convey or lease the same ; Provided always, that the annual revenue from the said immovable property shall at no time exceed the sum of five thousand dollars current money of this Province.

Power to take and hold real estate.

Proviso.

Revenue of property, &c., to be applied to education and other works of charity, and for necessary buildings.

3. All the property at any time held by the said Corporation, as well as the revenue arising therefrom, shall be employed and appropriated exclusively for the accomplishment of the works and purposes hereinbefore mentioned of the said community, and in accordance with the rules, and for the construction, repair, and hiring of the necessary buildings for the purposes of the Corporation, for the benefit as well of the principal establishment occupied by the said Religious Ladies at St. Gregoire, in the District of Three Rivers, as of the branch establishments which may hereafter be formed in other parishes in Lower Canada.

Annual report to government.

4. The said corporation shall, at all times, when required by the Governor or either branch of the Legislature, make a report shewing the amount of immovable and other property which it possesses under this Act, and the revenue arising therefrom, as well as the number of the members of the Corporation, and that of the teachers and pupils, and lastly, a statement of the course of study.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. CXIII.

An Act to appoint Trustees to wind up the Estate of the late Alexander Macdonell, according to the terms of his last Will and Testament.

[Assented to 18th September, 1865.]

WHEREAS it has, by the Petition of Isabella Penelope Macdonell, relict of the late Alexander Macdonell, in his lifetime of the Village of Alexandria, in the County of Glengarry, merchant, been represented that the said Alexander Macdonell departed this life on the thirtieth day of April, in the year of Our Lord one thousand eight hundred and sixty-four, without issue, having first duly made and published his last Will and Testament, whereby he devised and bequeathed his real and personal estate and effects whatsoever and where-soever, unto Donald Alexander Macdonald, of Alexandria, in the County of Glengarry, Esquire, and James Macdonell, of Athol, in the township of Kenyon, in the said County of Glengarry, Esquire, their heirs, executors, administrators and assigns, upon trust, for ever, as soon as conveniently may be after his decease, to make sale and absolutely dispose thereof, and upon further trust to apply the proceeds thereof as directed in and by the said will, and that the said Donald Alexander Macdonald and James Macdonell have by Deed under their hands and seals renounced and refused to accept or to act in the trusts contained and expressed in the said last Will; and that in consequence of the refusal of the said Donald Alexander Macdonald and James Macdonell, to act in the matter of the trusts contained and set out in the said Will, the real estate devised by the said Alexander Macdonell cannot be sold, and the proceeds thereof disposed of and invested as required in and by the said Will; and that it is necessary that Trustees be appointed, to wind up the Estate of the said Alexander Macdonell, real and personal, and to dispose of and invest the moneys arising from the sale or sales thereof, according to the terms of the said Will, and the said Isabella Penelope Macdonell hath by her petition prayed to be appointed such Trustee, and it is expedient that the said Isabella Penelope Macdonell, his widow, and Donald Aeneas Macdonell, of the said City of Kingston, Esquire, be such Trustees: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Will recited.

Renunciation of Trustees named in will recited.

Petition of widow recited.

1. All and singular the lands, tenements and hereditaments, and goods and chattels, and estate and effects, real as was as personal, which were held by the said Alexander Macdonell at the time of his death, shall be and the same are hereby vested in the said Isabella Penelope Macdonell, of Kingston, in the County of Frontenac, widow of the said Alexander Macdonell, and the said Donald Aeneas Macdonell, of the said City of Kingston,

Real and personal estate of deceased vested in Trustees.

Terms and conditions of the trust.

Provide :
accountability
of Trustees.

Kingston, Esquire, and their successors to be appointed as hereinbefore mentioned in the like estate as the same were had and held by the said Alexander Macdonell, in his lifetime ; upon trust, nevertheless, to hold, sell, dispose of absolutely and convey the same, from time to time, and together or in parcels, and either by private sale or at public auction, as the said Isabella Penelope Macdonell, and Donald Æneas Macdonell, or the trustees for the time being may think fit, and to take the proceeds of such sale and sales, and to pay, expend, dispose of and invest the same, and the annual income thereof, to and for the uses, intents and purposes, and upon the trusts, expressed in the said Will of the said Alexander Macdonell ; Provided always, that the said Isabella Penelope Macdonell and Donald Æneas Macdonell, and all trustees under this Act shall, notwithstanding this Act, be held answerable and accountable in Her Majesty's Courts of Law and Equity in that part of the Province of Canada, heretofore called Upper Canada, for the management of the said Estate, real and personal, and for the due application of the moneys arising therefrom, in like manner as other trustees, agents or executors are or shall be held answerable or accountable.

Judge of County Court may appoint a Trustee in case of vacancy in the office by death, &c.

2. In case of the death of any or either of the said Trustees hereby appointed before the final execution of the powers and trusts above mentioned or of his or her becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Judge of the County Court then being or having jurisdiction within the County of Glengarry, on the application of any person interested in the said estate or of the surviving Trustee, one or more of the children or creditors of the said late Alexander Macdonell, to nominate and appoint some fit and proper person to act in the place of each such trustee or trustees so dying or becoming incapable as aforesaid, as Trustee of the estate of the said late Alexander Macdonell under this Act with the survivor or survivors, and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed when and so often as occasion may require.

Trustees, and not purchaser from them, to be answerable to devisees and legatees under the will.

3. The said Isabella Penelope Macdonell and Donald Æneas Macdonell and their successors, and not the purchaser or purchasers from them or any of them under this Act, shall remain answerable to the devisees and legatees in the said Will mentioned for the moneys and proceeds of the said Estate, to be sold under and by virtue of this Act, according to the true intent and meaning of the said Will.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CXIV.

An Act for the Sale or other Disposition of the Lands belonging to the Estate of the late John Lorn McDougall.

[Assented to 18th September, 1865.]

WHEREAS John Lorn McDougall, in his lifetime of the Village of Renfrew, in the County of Renfrew, Esquire, departed this life intestate, leaving him surviving seven children, namely : John Lorn, Isabella, Jane, Alexander, Samuel, Julia and Duncan Campbell, his heirs and heiresses at law, who were infants under the age of twenty-one years ; and whereas the said late John Lorn McDougall was possessed of a considerable quantity of real estate situate within the Province of Canada ; and whereas John Lorn McDougall, the administrator of the estate of the deceased, Catherine McDougall, his widow, and Robert MacIntyre, of the City of Montreal, Esquire, have represented that the locking up of so large an amount of real estate is injurious to the country and detrimental to the interests of the family of the said late John Lorn McDougall, and have prayed for the passing of an Act empowering them to sell and dispose of such real estate, and to execute conveyances therefor, and to invest and otherwise apply the proceeds thereof, and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre, and the survivors and survivor of them shall be and are hereby authorized and empowered, from time to time, as in their, his or her judgment occasion may require, with the consent expressed by deed, of such of the said children as are now of age, to sell and dispose of the real estate of the said late John Lorn McDougall, either by public auction or by private contract, and to lease or demise the same, as to them may seem best and, with the consent, expressed by deed, of such of the said children as are now of age, to make good, valid and effectual deeds, conveyances, assurances, assignments and leases of the same, in the same manner that the said John Lorn McDougall might or could have done in his lifetime, and every such deed or conveyance shall vest all the estates, right, title and interest of the children of the said John Lorn McDougall in the purchaser or purchasers, lessee or lessees, his or their heirs, executors or administrators and assigns, according to the tenor of such conveyance and the estate thereby intended to be conveyed, and after deducting the necessary expenses of management and sale, to apply the proceeds to the payment of the debts and liabilities of the late John Lorn McDougall, and such portion of the balance of such proceeds as may be necessary to the

Power to sell or otherwise dispose the property on certain conditions.

Application of proceeds.

the

the support and education of his children while under age and unmarried, and the residue to distribute according to the law and the provisions of this Act; and as each of the said minor children attains the age of twenty-one, no such sale or disposition made thereafter shall, without the consent of such child affect the share of such child; and the said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre shall, as each child comes of age, account to such child for the sales and dispositions hereby authorized, and the application by each of them respectively of the proceeds thereof; but each of the said Trustees shall be accountable only for his or her own acts and doings in the premises, and not for those of the others of them; Provided always that any of the proceeds of the said estate applied to the support and education of the said minor children shall be a charge against the share of such minor children; and provided further that no lease made under this Act shall exceed the period at which the youngest child living at the time of the said lease being made, would attain the age of twenty-one years.

Proviso: as to sums advanced for support of minor children.

Power to execute conveyances of lands sold by deceased.

2. The said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre, with the consent expressed by deed of such of the said children as are now or may be then of age, are hereby empowered to make and execute such conveyances of the real estate of the said late John Lorn McDougall as he had in his lifetime contracted and become bound to execute to the parties holding such bonds and agreements or to their heirs or assigns.

Investment of monies in the hands of the Trustees.

3. It shall be the duty of the said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre, or the survivors or survivor of them and of any Trustee or Trustees appointed under this Act, as speedily as the debentures hereinafter mentioned can be procured, to invest and keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, any surplus or balances of moneys arising from such sales, for the benefit of the several parties respectively entitled thereto; and such Trustees or Trustee under this Act, shall also account once in every three years or oftener if so required, to the Surrogate Court having jurisdiction within the County of Renfrew, for their dealings with the said estate.

Judge of County Court to appoint in case of vacancy among Trustees.

4. In case of the death of any or either of the said Trustees hereby appointed, before the final execution of the powers and trusts above mentioned, or of his or her becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Judge of the County Court, then being or having jurisdiction within the County of Renfrew, on the application of one or more of the children or creditors of the said late John Lorn McDougall, to nominate and appoint some fit and proper person to act in the place of each such Trustee or Trustees so dying or becoming incapable as aforesaid, as Trustee of the estate

estate of the said late John Lorn McDougall under this Act, with the survivor or survivors, and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed, when and so as often as occasion may require.

5. No mortgagee, purchaser, alienee or lessee shall be required to see to the application of the purchase money, rents or other considerations in respect of any sale, mortgage, lease or other disposition made under this Act. Purchasers not bound to see to application, &c.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . C X V .

An Act for the Relief of the Representatives of the late Boyd Sylvester.

[Assented to 18th September, 1865.]

WHEREAS it has been represented by the Petition of Frances Sylvester, widow of Boyd Sylvester, late of the Township of Darlington, in the County of Durham, Yeoman, deceased, and of others, creditors and friends of the said late Boyd Sylvester, that he died intestate, on or about the twenty-third day of December, one thousand eight hundred and sixty, leaving seven children, all minors; that his property, consisting of a farm of one hundred acres, being the north half of lot Number Sixteen in the Seventh Concession of the Township of Darlington, with the dwelling-house, out-houses and other buildings thereon erected, is heavily incumbered with mortgages; and that it would be best for the interest of the estate and of the creditors thereof, that Trustees should be empowered to sell so much of the said farm as it may be necessary to sell in order to raise a sum sufficient for the discharge of the said mortgages, or to sell the whole of the said farm and invest the balance of the price thereof, remaining after the discharge of the said mortgages; and whereas the said Petitioners have prayed that the said Frances Sylvester, and Edward Shepherd, and William Hambly Rogers, hereinafter named, should be appointed Trustees of the estate of the said late Boyd Sylvester, with such powers as aforesaid; and whereas it is expedient that the prayer of the said Petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. All the estate, right, title, interest, property, claim and demand whatsoever, both at law and in equity, of each of the heirs of the said late Boyd Sylvester in or to the lands following, that is to say:—The north half of lot Number Sixteen, in the Seventh Concession of the Township of Darlington, in the County

Certain property of Boyd Sylvester, vested in Trustees!

Power to sell,
lease, &c.

Application of
proceeds.

Judge of Coun-
ty Court to
appoint in case
of vacancy
among the
Trustees.

Provision in
case of separa-
tion of Nor-
thumberland
and Durham.

County of Durham, containing by admeasurement one hundred acres of land, be the same more or less, are hereby transferred to and vested in the said Frances Sylvester, his widow, and Edward Shepherd, of the Township of Vaughan, in the County of York, Yeoman, and William Hambly Rogers, of the Township of Darlington, in the County of Durham, Esquire, and the survivor or survivors of them, and their successors, to be appointed as hereinafter mentioned, as Trustees for the benefit of such heirs of the said late Boyd Sylvester, so long as he or she shall be a minor, under the age of twenty-one years, with power from time to time, as in their, his or her judgment occasion may require, with the consent and concurrence, expressed by Deed, of such of the said heirs as may then be of age, to sell, lease, or otherwise dispose of the same, or such parts or portions thereof as they, he or she may be advised, and with the consent and concurrence, expressed by Deed, of such of the said heirs as may then be of age, to make and execute such good, valid and effectual Deeds and Conveyances, Assurances and Leases of the same, as the said Boyd Sylvester could or might have made or executed in his lifetime, and to apply the proceeds, after deducting the expenses of management and sale, to the discharge of mortgages on the said lands and to the education and maintenance of the infant children of the said late Boyd Sylvester.

2. In case of the death, removal from this Province, resignation, or incapacity, or unwillingness to act of either or all of the said trustees, before the complete fulfilment of the trust hereby created, it shall be lawful for the Judge of the County Court of the United Counties of Northumberland and Durham, on the written application of one or more of the children or creditors of the said late Boyd Sylvester, to nominate and appoint some fit and proper person to be Trustee or Trustees in the stead of the said Trustee or Trustees so dying or removing from this Province, becoming incapacitated, resigning, or being unwilling to act as aforesaid, and so from time to time to replace any such Trustee or Trustees so nominated and appointed as aforesaid; and such Trustee or Trustees so from time to time nominated and appointed as aforesaid, and the survivor or survivors of them, shall have the same power, to all intents and purposes, as if expressly named and appointed in and by this Act.

3. In case of a separation taking place between the said Counties of Northumberland and Durham, then any application to be made to, and nomination and appointment to be made by, a Judge under this Act, shall be made to and by the Judge of the County Court of the County of Durham, who shall have all the powers hereby given to and vested in the Judge of the County Court of the United Counties of Northumberland and Durham.

4. No sale of the said lands, or of any part or portion thereof, shall be made without the consent and approbation of the Judge of the County Court of the United Counties of Northumberland and Durham, or of the Judge of the County Court of the County of Durham, as the case may be, as aforesaid, previously given in writing.

Approval of
County Judge
necessary to
sales.

5. As each of the said children attains the age of twenty-one years, no such sale or disposition of the said lands or of any part or portion thereof, made thereafter, shall, without the consent of such child, affect the share of such child; and the said Trustees shall, as each child comes of age, account to such child for the sales and dispositions hereby authorized, then already made, and the application by each of them, the said Trustees respectively, of the proceeds thereof; but each of the said Trustees shall be accountable only for his or her own acts or doings in the premises, and not for those of any other or others of them.

And consent of
children as
they come of
age.

6. Such portion of the proceeds of the said lands as may be applied to the education and maintenance of the said minor children shall be charged against the said minor children.

Sums advanced
for minors.

7. No lease made under this Act shall exceed the period at which the youngest child living at the time of the said lease being made, would attain the age of twenty-one years.

Leases.

8. No purchaser, alienee, or lessee under this Act shall be required to see to the application of the purchase money, rents, or other considerations in respect of any sale, lease or other disposition made under this Act.

Purchaser not
bound to see to
application.

9. Any balance of the proceeds of any sale of the said lands, or of any part or portion thereof, that may remain to the Trustees, for the time being, under this Act, after the discharge of the incumbrances on the same, shall from time to time be invested in Government securities or in mortgage on real estate, under the sanction of the Judge of the County Court, as aforesaid, for the benefit of the said minor children.

Investment of
monies in
hands of
trustees.

10. Nothing herein contained shall prejudice or affect the rights of the creditors of the said late Boyd Sylvester.

Rights of cre-
ditors saved.

11. This Act shall be a Public Act.

Public Act.

CAP. CXVI.

An Act to limit the application of a certain general hypothec created by Daniel McCallum and his wife to a certain lot of land.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Daniel McCallum, Esquire, Advocate, of the City of Quebec, and Ann Helen Williamson Brown, his wife, have, by their petition, represented that on the fourth day of February, one thousand eight hundred and thirty, by deed executed before Panet and another, Notaries, they bought from the late Honorable Joseph Remy Vallières de St. Réal, a certain property, situate in the Upper Town of Quebec; that subsequently, John Brown, Esquire, father of the said Mrs. McCallum, paid one thousand and sixteen pounds fifteen shillings currency, on account of the price of the said purchase, and that, on making the said payment, the said John Brown did, by a deed executed at Quebec, before Scott and another, Notaries, on the nineteenth day of July in the said year, acquire subrogation to the rights of the said vendor, and did declare that he gave the interest on the said sum to the said Daniel McCallum and his said wife, and to the survivor of them, and the right to the said sum itself to their children, the same to be equally divided among them, the said children, after the extinction of the said usufruct, and further that if one or more of the said children should die before their said father and mother, but leaving legitimate children, then that such children should have the share that the father or mother of such children would have had if he or she had survived his or her father and mother; and whereas the said Daniel McCallum and his said wife did accept the said donation, and it has been duly registered, whereby all the property which the said donees then had, or have since acquired, or may hereafter acquire, became hypothecated to the amount of the said sum of one thousand and sixteen pounds fifteen shillings currency;

And whereas the said Daniel McCallum and his said wife did, by deed executed at Quebec on the seventh day of April, in the year one thousand eight hundred and fifty-eight, before Huot and another, Notaries, sell to Marie Louise Adélaïde Pacaud, wife of Joseph G. Barthe, Esquire, Advocate, the following described property, that is to say, "a lot of land situate in D'Auteuil street, in the City of Quebec, containing thirty-seven feet in front by eighty-six feet in depth, English measure, bounded in front by D'Auteuil street aforesaid, in rear by the end of the said depth, on the south side by the said Daniel McCallum, and on the north side by Mrs. Aylwin;" and whereas the said property is bound, in common with all the properties which have belonged to the said Daniel McCallum and his said wife, by the said hypothec for one thousand

thousand and sixteen pounds fifteen shillings currency, in favor of their children and grandchildren as aforesaid, and the said Mrs. Barthe, not having it in her power to procure the said hypothec to be cancelled, finds difficulty in borrowing money on the security of the said property, so burthened with the said hypothec; and whereas, for remedy of this difficulty, all the children of the said Daniel McCallum and his said wife have, by a deed executed at Quebec, before Petitclerc and another, Notaries, on the twenty-fourth day of May last, discharged the said property of Mrs. Barthe, as well as all the properties of the said Daniel McCallum and his said wife, save and except the following, that is to say: "a lot of land, forming the corner of St. Charles and Des Bains streets, in the Lower Town of Quebec, containing one hundred and twenty-eight feet eight inches in front or thereabouts, on the said St. Charles street, by a depth of fifty-three feet six inches or thereabouts, on the said Des Bains street, and fifty-one feet eight inches on the line dividing the said property from that of the representatives of one Bell, the said lot of land being bounded in front by the said St. Charles street, towards the west by the said Des Bains street, towards the east by the property of the representatives of the late John Bell, and in rear towards the north by a strip of land serving as a passage in common with other properties of the said Daniel McCallum and of Alexander Ross;"

And whereas, upon petition to that effect, presented to one of the Honorable Judges of the Superior Court, sitting at Quebec, permission was given to the Curator appointed to the substitution created by the said deed of the nineteenth day of July one thousand eight hundred and thirty, to grant a similar discharge to that granted by the said children of the said Daniel McCallum and his said wife, and such discharge was granted, in conformity to the said judicial authorization, by deed executed at Quebec, on the twelfth day of June last, before Petitclerc and another, Notaries; and whereas the property specially hypothecated in and by the said deed of the twenty-fourth day of May last, as security in all the contingencies provided for by the said substitution, has been shewn to be worth more than double the said sum of one thousand and sixteen pounds fifteen shillings, currency; and whereas, it is just that the prayer of the said petition of the said Daniel McCallum and his said wife be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said property, hereinbefore described, sold by the said Daniel McCallum and the said Ann Helen Williamson Brown, his wife, to Marie Louise Adélaïde Pacaud, wife of Joseph G. Barthe, Esquire, Advocate, by deed executed at Quebec, on the seventh day of April, one thousand eight hundred and fifty-eight, before Huot and another, Notaries, is, and

A certain property mentioned in the preamble discharged from the hypothec therein also mentioned.

and shall for ever remain, discharged from the hypothec, and from all hypothecary rights created in favor of the grandchildren of them the said Daniel McCallum and his said wife, in and by the said deed of the nineteenth day of July, one thousand eight hundred and thirty, hereinbefore cited.

Certain other properties discharged from the said hypothec.

2. All the properties which the said Daniel McCallum had at the time of the execution of the said deed of the nineteenth day of July, one thousand eight hundred and thirty, as well as those which he has acquired since, and those which he may acquire hereafter, also are and shall remain discharged from the hypothec in favor of the grandchildren of him, the said Daniel McCallum and his said wife, in and by the said deed of the nineteenth day of July, one thousand eight hundred and thirty.

To what property alone the said hypothec shall attach.

3. The only immovable property upon which the said grandchildren of the said Daniel McCallum may exercise any right on account of the said hypothec, created in and by the said deed of the nineteenth day of July, one thousand eight hundred and thirty, and the substitution created in and by the said deed in their favor, is the following, that is to say :

The property described.

" A lot of land, forming the corner of St. Charles and Des Bains streets, in the Lower Town of Quebec, containing one hundred and twenty-eight feet eight inches in front or thereabouts, on the said St. Charles street, by a depth of fifty-three feet six inches or thereabouts on the said Des Bains street, and fifty-one feet eight inches on the line dividing the said property from that of the representatives of one Bell, the said lot of land being bounded in front by the said St. Charles street, towards the west by the said Des Bains street, towards the east by the property of the representatives of the late John Bell, and in rear towards the north by a strip of land serving as a passage in common with other properties of the said Daniel McCallum and of Alexander Ross."

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CXVII.

An Act to enable Donald Alexander Livingston to be admitted to practise Medicine, Surgery and Midwifery.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Donald Alexander Livingston, of the parish of St. Jean Chrysostôme, in the county of Chateauguay, hath, by his petition, represented, that in the year one thousand eight hundred and thirty-three, he completed a four years' course of medical study at the University of Glasgow ;
that

that he subsequently practised as a Physician and Surgeon in the city of Glasgow, until the year one thousand eight hundred and forty-five, in which year he emigrated to Canada, and that ever since that period he has continued in extensive and successful practice as a physician and surgeon in the county of Chateauguay, and has prayed that an Act may be passed authorizing him to present himself for examination before the College of Physicians and Surgeons of Lower Canada, and enabling him upon passing such examination to be admitted to the practice of Medicine and Surgery in Lower Canada, without completing any further course of study; and whereas it is reasonable and just that such prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the said Donald Alexander Livingston to present himself before the Board of Examiners of the college of Physicians and Surgeons of Lower Canada, without following any further course of study, and if the said Donald Alexander Livingston be found by the said examiners to be properly qualified, he shall be entitled to obtain a license to practise Medicine, Surgery and Midwifery, according to the by-laws and regulations of the said college.

D. A. Livingston may obtain a license on examination without any further course of study.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C X V I I I .

An Act to authorize the admission of Henry Hart Coyne to practise as an Attorney and Solicitor in the Courts of Law and Equity in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS Henry Hart Coyne, of the City of London, Esquire, hath, by his petition to the Legislature, represented that on the second day of August, one thousand eight hundred and sixty, he was duly articulated to William Proudfoot, a practising Attorney and Solicitor of Her Majesty's Superior Courts of Law and Equity for Upper Canada; that he served under the said articles and an assignment thereof to the Honorable John Wilson, until the twenty-fifth day of July, one thousand eight hundred and sixty-three, when the said the Honorable John Wilson was appointed a Judge of Her Majesty's Court of Common Pleas at Toronto; that from the said twenty-fifth day of July until the seventeenth day of August, one thousand eight hundred and sixty-five, he served as clerk in the office of Philip Mackenzie, a practising Attorney of Her Majesty's above mentioned Courts; that by reason of a technical defect in part of his service under the said articles of clerkship he did not complete his term of service thereunder; that

Preamble.

in the month of February, one thousand eight hundred and sixty-five, he was duly called to the bar of Upper Canada, intending to be articled for one year to a practising Attorney of Her Majesty's said Courts; that on the twenty-second day of March, one thousand eight hundred and sixty-five, he entered into articles with the above named Philip Mackenzie to serve him for one year as clerk in the profession and practice of Law; that at the time of the execution of the said articles, he was not aware that an Act had been passed by the Legislature of this Province (which had been assented to only four days previously) requiring three years' service instead of one by persons called to the Bar; and hath prayed that he may be exempted from the effect of the first section of the said Act, and that notwithstanding the same, he may be admitted to practise as Attorney and Solicitor in Her Majesty's above-mentioned Courts, after having completed his service of one year under the last above-mentioned articles; and it is, under the circumstances, right and expedient to grant his prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

H. H. Coyne may be admitted as an Attorney on passing examination and proving one year's service under articles since his call to the Bar.

1. The repeal of the third subsection of the second section of chapter thirty-five of the Consolidated Statutes for Upper Canada shall not affect the said Henry Hart Coyne, and notwithstanding the repeal of the said subsection, it shall and may be lawful for the Law Society of Upper Canada, upon proof that the said Henry Hart Coyne has actually served one year under articles to a practising Attorney and Solicitor of Her Majesty's Courts of Law and Equity for Upper Canada, since he was called to the Bar of Upper Canada, to examine and enquire touching the fitness and capacity of the said Henry Hart Coyne to act as Attorney and Solicitor, and in case such examination is satisfactory, it shall be lawful for the said society to give the said Henry Hart Coyne the certificate required by the Act respecting Attorneys-at-Law, and upon production of such certificate, it shall be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Upper Canada to admit the said Henry Hart Coyne as Attorney and Solicitor of the said Courts respectively.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. C X I X.

An Act to enable Richard Thomas Walkem to be examined by the Law Society of Upper Canada for admission as an Attorney and Solicitor.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Richard Thomas Walkem, of the City of Kingston, Gentleman, hath, by his petition to the Legislature, represented that by articles of clerkship, bearing date the thirty-first

thirty-first day of May, one thousand eight hundred and sixty, he became the article clerk of George Anthony Walkem, an Attorney-at-Law and Solicitor-in-Chancery in Upper Canada, but that by reason of the non-filing of a necessary affidavit with the said articles, he, the said Richard Thomas Walkem, lost two years or thereabouts of his term of service; whereupon, for certain good reasons in the said petition set forth, he omitted to have his said articles rectified and assigned on the departure of the said George Anthony Walkem from this Province, and that he, the said Richard Thomas Walkem hath, notwithstanding the said non-assignment, served in the same manner as an article clerk with various Attorneys and Solicitors in Upper Canada, during a period of more than five years, being the term of the said articles, and that he is desirous of being admitted as an Attorney and Solicitor as aforesaid; and whereas he hath prayed relief in the premises, which relief it is expedient to grant him: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the Law Society of Upper Canada, at any time after the passing of this Act, to examine the said Richard Thomas Walkem touching his fitness to be admitted as an Attorney-at-Law and Solicitor-in-Chancery as aforesaid, and upon being satisfied of such fitness, to admit him and to grant him a certificate of fitness to practise as such Attorney and Solicitor.

*Law Society
may examine
R. T. Walkem
and grant him
certificate, &c.*

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X .

An Act to enable Joseph Anctil, of Ste. Anne la Pocatière, and Auguste Fournier, of St. Jean Port Joli, to be admitted to practise as Notaries in Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS Joseph Anctil, of Ste. Anne la Pocatière, in the District of Kamouraska, in this Province, did not comply with all the requirements of Section sixteen of the seventy-third Chapter of the Consolidated Statutes for Lower Canada, previous to commencing his clerkship, and hath prayed to be admitted to an examination for the purpose of being admitted as Notary, notwithstanding the said provisions, and it is expedient to grant his prayer; and whereas Auguste Fournier, of St. Jean Port Joli, in the County of l'Islet, in this Province, has not been legally admitted to the study of the profession of Notary, on account of there not being a *quorum* of the Board of Notaries before which he presented himself, and whereas he has not caused to be registered all his articles of clerkship

Preamble.

clerkship as required by Section sixteen of the seventy-third Chapter of the Consolidated Statutes for Lower Canada, and has prayed to be admitted to an examination for his admission to the said profession of Notary in Lower Canada, notwithstanding the aforesaid defects in his articles of clerkship, and it is expedient to accede to his prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

J. Anctil and A. Fournier may be admitted to practise as Notaries, on certain conditions.

1. After the passing of this Act, it shall be lawful for any Board of Notaries in Lower Canada within whose jurisdiction they shall be, to admit the said Joseph Anctil and Auguste Fournier to practise as Notaries, provided that they prove to the satisfaction of such Board that they have studied with a practising Notary duly commissioned in and for Lower Canada, during the period of time required by law, and provided also that they are deemed duly qualified, after undergoing the examinations required of candidates for admission to the practice of the said profession, notwithstanding any law or usage to the contrary.

Public Act.

2. This Act shall be deemed a Public Act.

Q U E B E C :—Printed by MALCOLM CAMERON,
Law Printer to the Queen's Most Excellent Majesty. —

1865.—29 VICTORIÆ.
FOURTH SESSION, EIGHTH PARLIAMENT.

TABLE OF CONTENTS.

Caps.	PAGES.
1. An Act to amend the Act intituled: <i>An Act containing special provisions concerning both houses of the Provincial Parliament</i> +	3 \
2. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending thirtieth June, 1866, and for other purposes connected with the Public Service	4
3. An Act to amend the Act respecting Duties of Excise..... +	17 \
4. An Act to extend the Act to impose Duties on Promissory Notes and Bills of Exchange to all Notes and Bills of whatever amount, and otherwise to amend the said Act	26
5. An Act respecting Railway Postal Subsidies	28
6. An Act further to amend the Act respecting the Militia	+ 29
7. An Act to extend and amend the Acts respecting Public Works, to and with respect to Works connected with the Defence of the Province..... +	33 \
8. An Act for the prevention of contagious diseases at certain Military and Naval Stations in this Province	38
9. An Act to amend <i>The Gold Mining Act</i> , twenty-seventh and twenty-eighth Victoria, chapter Nine	+ 46 \
10. An Act to amend chapter thirty-two of the Consolidated Statutes of Canada, respecting the Bureau of Agriculture and Agricultural Societies..... +	47 \
11. An Act to amend chapter sixty-two of the Consolidated Statutes of Canada, and to provide for the better regulation of Fishing and protection of Fisheries..... +	48 \
12. An Act in reference to the qualification of Justices of the Peace	65
13. An Act for abolishing the punishment of death in certain cases	67
14. An Act to provide more fully for the punishment of offences against the person, in respect to the crime of Kidnapping....	68
15. An Act to provide against the introduction and spreading of disorders affecting certain animals.....	69

	PAGES.
Caps.	
16. An Act to enable aliens to transmit and take real property in this Province by descent.....	72
17. An Act to secure to Wives and Children the benefit of Assurances on the lives of their Husbands and Parents.....	73
18. An Act to amend the Insolvent Act of 1864	74
19. An Act granting additional facilities in Commercial transactions	82
20. An Act to amend the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, respecting the granting of Charters of Incorporation to Manufacturing, Mining and other Companies.....	84
21. An Act to amend chapter sixty-three of the Consolidated Statutes of Canada, respecting Joint-Stock, Manufacturing, and other Companies.....	85
22. An Act to authorize the formation of Companies or co-operative Associations, for the purpose of carrying on, in common, any trade or business.....	85
23. An Act for the further improvement of Grammar Schools in Upper Canada.....	91
24. An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada....	94
25. An Act for quieting Titles to Real Estate in Upper Canada....	123
26. An Act to declare valid certain Sales of Lands in U. Canada	134
27. An Act to amend the Act respecting Short Forms of Mortgages in Upper Canada.....	136
28. An Act to amend the Law of Property and Trusts in U. Canada	136
29. An Act to amend the Act respecting Attorneys.....	147
30. An Act to amend the Act intituled: <i>An Act respecting County Courts</i>	148
31. An Act to amend chapter Nineteen of the Consolidated Statutes for Upper Canada, respecting the Division Courts.....	148
32. An Act to regulate the Costs of Arbitrations in Upper Canada.	149
33. An Act to amend chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled: <i>An Act respecting Master and Servant</i>	152
34. An Act to regulate the Qualifications of Practitioners in Medicine and Surgery in Upper Canada.....	152
35. An Act supplementary to the Act of this Session, intituled: <i>An Act to regulate the Qualifications of Practitioners in Medicine and Surgery in Upper Canada</i>	162

TABLE OF CONTENTS.

ii

Caps.	PAGES.
36. An Act to amend and extend the provisions of the Act respecting Joint Stock Companies in Upper Canada ..	162 \
37. An Act further to amend the Law respecting Mutual Insurance Companies in Upper Canada	+ 165
38. An Act to make further provisions for the management of Permanent Building Societies in Upper Canada	166
39. An Act to impose a tax on Dogs, and to provide for the better protection of Sheep in Upper Canada	168
40. An Act to prevent the spreading of Canada Thistles in U. Canada	171
41. An Act respecting the Civil Code of Lower Canada	173
42. An Act respecting the Court of Queen's Bench in L. Canada ..	220
43. An Act to amend the Act respecting the ordinary Procedure in the Superior and Circuit Courts for Lower Canada	221 <i>yc</i>
44. An Act to amend section thirty-nine of chapter thirty-seven of the Consolidated Statutes for Lower Canada, respecting the authentication of Certificates of Discharge, executed before witnesses	222 <i>yc</i>
45. An Act to amend chapter eighty-eight of the Consolidated Statutes for Lower Canada, intituled: <i>An Act concerning the protection and enforcement of Corporate Rights</i>	223 <i>yc</i>
46. An Act to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting seditious and unlawful Associations and Oaths	224 <i>yc</i>
47. An Act to amend the Act respecting the Notarial Profession ...	224 <i>yc</i>
48. An Act to amend Chapter Fifteen of the Consolidated Statutes for Lower Canada, respecting Education	225 <i>yc</i>
49. An Act to amend the Act twenty-seventh Victoria, chapter Eleven, respecting the collection of School Rates	+ 226
50. An Act to amend the Lower Canada Consolidated Municipal Act	227 <i>yc</i>
51. An Act respecting the erection of Towns and Villages in Lower Canada	228
52. An Act to amend the Acts respecting the building and repairing of Churches, Parsonage Houses and Church-yards	228
53. An Act to provide for the preservation of Standing Timber ...	233
54. An Act to facilitate Prosecutions under the Act respecting Tavern-Keepers and the Sale of Intoxicating Liquors	234
55. An Act to amend Chapter Seventy-five of the Consolidated Statutes for Lower Canada, respecting the division of Lower Canada into Counties, in so far as it relates to the Counties of Rimouski and Gaspé	235 <i>yc</i>

	PAGES.
Caps.	
56. An Act further to provide for the deepening of the Ship Channel between Montreal and Quebec.....	236
57. An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and the supply of Water to the City of Quebec.....	237
58. An Act to explain certain enactments of the Acts of incorporation of the City of Montreal, and for other purposes.....	331
59. An Act to amend <i>An Act to provide for the appointment of a Port Warden for the Harbour of Montreal</i>	+334
60. An Act to amend the Acts incorporating the Town of Levis...+	336
61. An Act to incorporate the Village of Berthier as a Town.....	339
62. An Act to amend the Act for the erection of the Municipality of Kingsey Falls.....+	376
63. An Act to confirm the existing Survey of the Township of Bulstrode, County of Arthabaska.....	377
64. An Act to confirm a Survey of a portion of the Township of Ely, in the County of Shefford.....	378
65. An Act to facilitate the separation of the County of Renfrew from the County of Lanark.....	379
66. An Act to facilitate the separation of Huron and Bruce, and to appoint Walkerton the County Town of the County of Bruce+	380
67. An Act to legalize certain By-Laws and Debentures of the County of Victoria.....	382
68. An Act to legalise certain Assessments in the City of Toronto, and to enable the said City to recover the Taxes Rated and charged.....	383
69. An Act to vest the York Roads in the County of York, and to relieve the County of Peel from all liability therefor	384
70. An Act to authorize the Town of St. Mary's to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been provided.....	385
71. An Act to amend the Act incorporating the Village of Mitchell, in the County of Perth.....	387
72. An Act to establish certain Road Allowances and Highways in the Township of Hamilton	389
73. An Act to amend the Acts relating to the Bank of Upper Canada	393
74. An Act to incorporate the Bank of Northumberland.....	394
75. An Act to incorporate the Union Bank of Lower Canada.....	409
76. An Act to incorporate the Society called : "La Caisse d'Epar- gne de St. Roch de Montréal.....	425

TABLE OF CONTENTS.

v

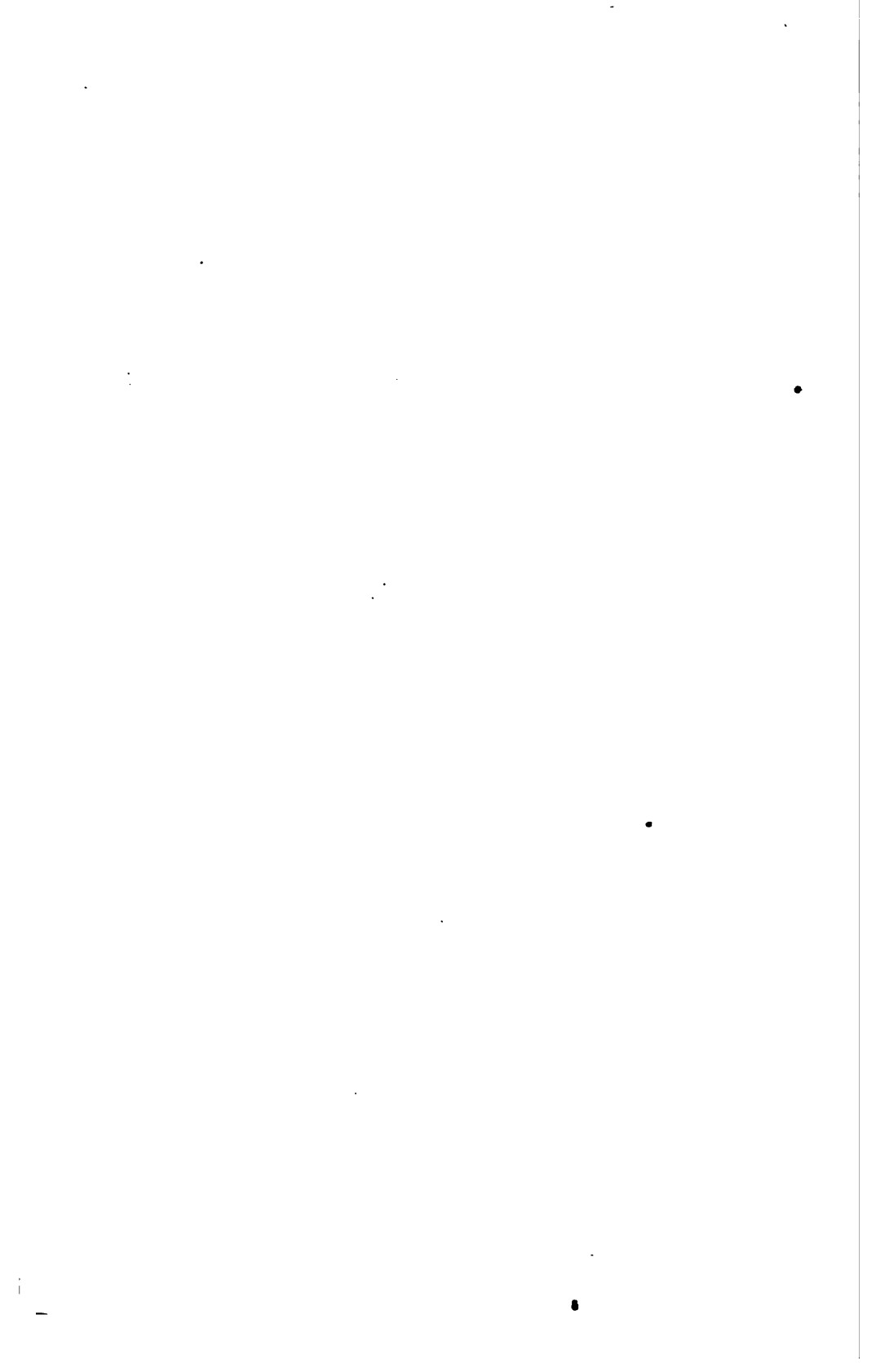
<i>note</i> Caps.	PAGES.
77. An Act to provide for the appointment of Commissioners to enquire into the affairs of the St. Roch's Savings Bank, Quebec	427
78. An Act to amend the Act incorporating the Toronto and Georgian Bay Canal Company.....	428
79. An Act to amend and extend the Acts relating to the Cobourg and Peterborough Railway Company.....	430
80. An Act to extend the time for the completion of the Canada Central Railway.....	432
81. An Act to authorize the Cobourg and Peterborough Railway Company to construct a Tramway or Railway from the Marmora Iron Works to the River Trent, or to Rice Lake, and for other purposes.....	433
82. An Act to incorporate the Mount Royal Railway Company....	434
83. An Act to extend the time for the completion of the Brockville and Ottawa Railway, and for other purposes.....	442
84. An Act to incorporate the Windsor and Sandwich Street Railway Company.....	443
85. An Act to amend the Acts relating to the International Bridge Company.....	447
86. An Act to incorporate the Longueuil Navigation Company....	448
87. An Act further to amend an Act intituled : " An Act to incorporate certain persons under the name of the Richelieu Company."	453
88. An Act to change the name of " The Bytown Consumers Gas Company," and to confirm, amend and extend their corporate powers, under the name of " The Ottawa Gas Company."...	455
89. An Act respecting the Gaspé Bay Mining Company.....	458
90. An Act to incorporate the English and Canadian Mining Company (Limited.).....	460
91. An Act to incorporate " The Bothwell, C. W., Land and Petroleum Company (Limited.)".....	463
92. An Act to grant certain powers to the Waterloo County Mutual Fire Insurance Company.....	469
93. An Act specially to incorporate the Tadousac Hotel and Sea Bathing Company.....	470
94. An Act to grant certain additional powers to the Canada West Farmers' Mutual and Stock Insurance Company.....	478
95. An Act to amend the Act to incorporate the Montreal Homœopathic Association, and to change the name thereof to " The College of Homœopathic Physicians and Surgeons of Montreal."	479

Caps.	PAGES.
96. An Act to incorporate "The London Collegiate Institute."....	480
97. An Act to incorporate <i>L'Institut Canadien Français de la Cité d'Ottawa</i>	481
98. An Act to incorporate the Rideau Club of the City of Ottawa..	484
99. An Act to authorize the Mortgaging of certain Property belonging to Christ Church, in the City of Ottawa, acquired for the erection thereon of a Parsonage House	486
100. An Act to enable the Trustees of the Congregation of St. Andrew's Church in the Township of Ramsay, in connection with the church of Scotland, to dispose of the glebe thereto belonging, and for other purposes.....	487
101. An Act to enable the Incumbent of Trinity Church, in the Town of Simcoe, to sell and convey a certain parcel of land therein mentioned.....	488
102. An Act to amend the Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec, and of Three Rivers, and of Montreal and Saint Hyacinthe.....	489
103. An Act to incorporate the <i>Curé</i> of the Parish of <i>Notre Dame de Québec</i>	490
104. An Act to authorize the <i>Curé</i> and <i>Marguilliers</i> of the <i>Œuvre</i> and <i>Fabrique</i> of the Parish of <i>Notre Dame de Québec</i> to borrow a certain sum of money on the security of the property of the said <i>Fabrique</i>	492
105. An Act for the incorporation of Jeffery Hale's Sunday School of the City of Quebec.....	493
106. An Act for the incorporation of Jeffery Hale's Hospital of the City of Quebec.....	495
107. An Act to incorporate "The St. Catherines General and Marine Hospital.".....	496
108. An Act to incorporate the Knowlton Cemetery Company.....	498
109. An Act to incorporate "The Montreal St. Bridget's Refuge.".....	499
110. An Act to incorporate the Society called <i>La Caisse de Bien- faisance de Tempérance, section St. Jacques</i> , of the City of Montreal.....	501
111. An Act to incorporate the Society called <i>L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal</i>	503
112. An Act to incorporate <i>Les Sœurs de L'Assomption de la Sainte Vierge</i> of the Parish of St. Grégoire.....	505
113. An Act to appoint Trustees to wind up the Estate of the late Alexander Macdonell, according to the terms of his last Will and Testament.....	507

TABLE OF CONTENTS.

vii

Caps.	PAGES.
114. An Act for the Sale or other Disposition of the Lands belonging to the Estate of the late John Lorn McDougall.....	509
115. An Act for the relief of the Representatives of the late Boyd Sylvester.....	511
116. An Act to limit the application of a certain general hypothec created by Daniel McCallum and his wife, to a certain lot of land	514
117. An Act to enable Donald Alexander Livingston to be admitted to practise Medicine, Surgery and Midwifery.....	516
118. An Act to authorize the admission of Henry Hart Coyne to practice as an Attorney and Solicitor in the Courts of Law and Equity in Upper Canada.....	517
119. An Act to enable Richard Thomas Walkem to be examined by the Law Society of Upper Canada, for admission as an Attorney and Solicitor.....	518
120. An Act to enable Joseph Anctil, of Ste. Anne la Pocatière, and Auguste Fournier, of St. Jean Port Joli, to be admitted to practise as Notaries in Lower Canada.....	519



INDEX

TO

ACTS OF CANADA.

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**Fourth Session, Eighth Parliament, 29th Victoria, 1865.**  
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	PAGES.
AGRICULTURE and Agricultural Societies, Act respecting, amended.....	47
Aliens, to enable them to take and transmit real property by descent.....	72
Ancil, J., and Fournier, A., admission of, as Notaries, L. C.....	519
Animals, for preventing contagious diseases among.....	69
Arbitrations, costs of in U. C., regulated.....	149
Arts and Manufactures, Boards of, law amended as to members....	47
Assets, distribution of by Executors, &c., U. C.....	143
Assignments of personalty, U. C., to self and others.....	141
Associations, Co-operative, for trade, &c., authorized.....	85
Associations, unlawful, and oaths in L. C., Act amended.....	224
Assurance. See Insurance.	
Attorney, powers of, U. C., provisions respecting.....	142
Attorneys, Act respecting in U. C., amended,.....	147
 BANK of Upper Canada, Acts relating to, amended.....	 393
Bank of Northumberland incorporated.....	394
Banks. See Bank of Upper Canada—Bank of Northumberland— Union Bank of Lower Canada.	
Bankruptcy, Insolvent Act of 1864 amended.....	74
Berthier, Village, incorporated as a Town.....	339
Bills and Notes, Stamp duties on, Act amended.....	26
Bills and proceedings in Chancery, U. C., registration of.....	108
Bothwell, C. W., Land and Petroleum Company, incorporated....	463
Breweries, Excise laws respecting, amended.....	17, &c.
Brockville and Ottawa Railway, time for completion extended..	442
Bruce, to facilitate separation of Huron, and to declare Walkerton the County Town.....	380
Bulstrode, survey of Township confirmed.....	377
Bytown Consumers' Gas Company, name changed and powers ex- tended.....	455
 CAISSE d'Epargne de St. Roch de Montréal, incorporated.....	 425
Caisse de Bienfaisance de Tempérance, section St. Jacques, of the City of Montreal, incorporated.....	501
Camp of Instruction for Militia, authorized.....	32
Canada Central Railway, time for completion of, extended	432
to construct Tramway from Marmora, &c.	433

	PAGES.
Canada West Farmers' Mutual and Stock Insurance Company, powers extended.	478
Canada Thistles, to prevent the spreading of in U. C.	171
Canals. <i>See</i> Toronto and Georgian Bay.	
Capital punishment abolished in certain cases.	67
Certificate of discharge before witnesses, authentication of in L. C.	222
Chancery, U. C., summary application to by Trustees, &c., for ad- vice.	146
Christ Church, Ottawa, mortgage of property authorized, &c.	486
Churches, Parishes, &c., Act respecting erection of in L. C., amended	228
Civil Code of Lower Canada, Act respecting.	173
Cobourg and Peterborough Railway Company, Acts amended and extended.	430
College of Homœopathic Physicians and Surgeons, of Montreal. <i>See</i> Montreal Homœopathic Association.	479
Companies, Joint Stock, for manufacturing, &c., Acts amended. ...	84-85
Commercial transactions, to facilitate, as respects lumber.	82
Contagious Diseases, Act for prevention of, at Military and Naval Stations.	38
Contagious Diseases among Animals, for the prevention of.	69
Co-operative Associations, for trade, &c., to authorize formation of.	85
Corporate Rights, Act for protection of, &c., in L. C., amended. ...	222
County Courts in U. C., Act respecting, amended.	148
Counties in L. C., Act respecting, amended, as to Rimouski and Gaspé.	235
Coyne, H. H., admission of as Attorney and Solicitor, in U. C.	517
DEATH, punishment of abolished, in certain cases.	67
Defence of the Province, Public Works, Acts extended to.	33
Descent, to enable Aliens to take and transmit by.	72
Distillers, provisions respecting duties of Excise on.	18, &c.
Division Courts, U. C., Act respecting them amended.	148
Dogs, tax on, and better protection of Sheep in U. C.	168
Duties. <i>See</i> Excise—Stamps—Bills and Notes.	
EDUCATION, Act respecting, in L. C., amended as to Teachers. ..	235
Ely, survey of part of township confirmed.	378
English and Canadian Mining Company incorporated.	460
Excise, Act respecting duties of, amended.	17
Executors, distribution of assets by, in U. C.	143
FABRIQUES, Mutual Assurance Associations, Act amended.	489
Fishing and Fisheries, Act respecting amended.	48
Fournier, A., and Anctil, J., admission of as Notaries, L. C.	519
Frauds in Sales or Mortgages, U. C.	141
GASPÉ and Rimouski, boundaries of altered.	235
Gaspé Bay Mining Company, Act respecting.	458
Gold Mining Act amended.	46
Grammar Schools in Upper Canada, for the further improvement of.	91

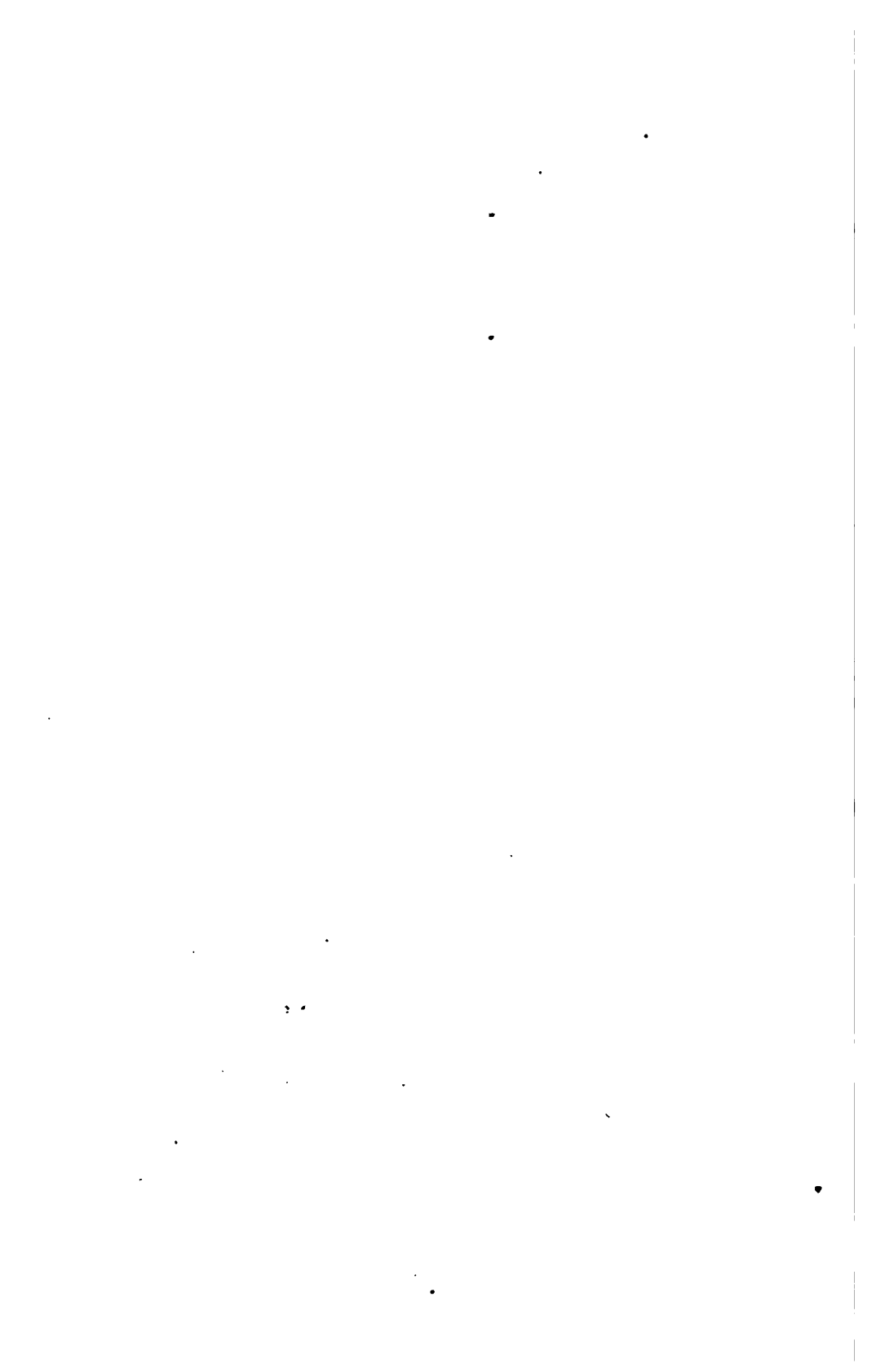
	PAGES.
HAMILTON, Township, Road allowances in, established	389
Huron and Bruce, to facilitate the separation of	380
INSOLVENT ACT OF 1864, amended	74
Inspector of Registry Offices, U. C., appointment of	116
Institut Canadien Français de la Cité d'Ottawa, incorporated	481
Insurance, Life, to secure benefit of to wives and children	73
Insurance, fire, relief against breach of covenant, to insure, U. C. ...	138
International Bridge Company, Charter amended	447
Intestacy, limitation of suits for personalty, &c., U. C.	145
Intoxicating liquors, prosecution for unlawful sale of in L. C.	234
	3
JEFFERY HALE'S Sunday School, Quebec, incorporated	495
Hospital, Quebec, incorporated	495
Joint Stock Companies, Acts amended	84, 82
for roads and works in U. C., Act amended	160
Judges of Q. B. in L. C. not disqualified in certain cases	225
Justices of the Peace, Act respecting qualification of, amended	6
KIDNAPPING, to provide more fully for the punishment of	68
Kingsey Fall's, Municipality of, Act erecting it amended	376
Knowlton Cemetery Company incorporated	498
LAKE ST. PETER, and Ship Channel, provision for deepening &c.	236
Lanark and Renfrew, to facilitate the separation of	379
Leases, when subject to registration in U. C.,	110
Leases, restriction of effect of licence in, &c., U. C.,	136
Lévis, town of, Acts of incorporation amended	336
Livingston, D. A., admission of, to practise medicine, &c.	516
Loan for service of 1865-6 authorized	5
London Collegiate Institute incorporated	480
Longueuil Navigation Company, incorporated	448
Lumber, to facilitate security for advances on	82
<i>Case properly & finally at 1826</i>	136
MACDONALD, ALEX., to wind up estate of	507
McCallum, Daniel, and wife, to limit application of general hypo- thec on property of	514
McDougall, John Lorn, sale of his lands, &c., authorized	509
Masters and servants, Act respecting in U. C., amended	152
Medicine and Surgery, to regulate qualification of practitioners of in U. C.	152-162
Militia, Act respecting amended	29
Military defence, works for, Public Works, Acts extended to	33
Mining Companies. <i>See</i> Gaspé Bay—English and Canadian— Bothwell, C. W., Land and Petroleum Company.	
Mitchell Village, in County of Perth, incorporated	387
Montreal City, Acts of incorporation amended, &c.	331
Montreal, Port Warden at, Act respecting amended	334
Montreal Homœopathic association, charter amended and name changed	479
Montreal St. Bridget's Refuge, incorporated	499

	PAGES.
Mortgages, short forms of in U. C., Act amended.....	136
Mortgages, registration of satisfaction and release, U. C.....	108
Mortgages, and Sales, frauds in, U. C.....	141
Mortgages, on lands of deceased persons in U. C., out of what property to be paid.....	147
Mount Royal Railway Company incorporated.....	434
Municipal Act, Consolidated, of L. C., amended.....	227-228
Municipal By-laws, U. C., registration of in certain cases.....	110
Mutual Insurance Companies, in U. C., Acts amended.....	166
Mutual Assurance Associations of Fabriques, Acts amended.....	489
NOTARIAL profession, Act respecting in L. C., amended.....	224
Notes and Bills, Stamp duties on, Act amended.....	26
Notre-Dame, Quebec, Curé of, incorporated.....	490
Fabrique empowered to borrow money on mortgage.....	492
OATHS and associations, unlawful, in L. C., Act amended.....	234
Ottawa Gas Company. <i>See</i> Bytown Consumers Gas Company.	
Ottawa. <i>See</i> Christ Church, Ottawa.	
PARISHES and Churches, Erection of in L. C., Act amended....	228
Parliament, penalties on unqualified persons sitting in.....	3
Peel, County, relieved from liability for York Roads.....	384
Penalties on persons sitting in parliament without being qualified, provisions respecting suits for.....	3
Penalties under Excise laws.....	22, &c.
Permanent Building Societies in U. C. further provisions respecting.	166
Port Warden at Montreal, Act respecting amended	334
Postal Subsidies to Railways, Act respecting.....	28
Powers, U. C., execution of, &c.. ..	139
Procedure, in Superior and Circuit Courts, L. C., Act amended....	221
Property and Trusts, law of amended, in U. C.....	136
Public Works, Acts extended to works for defence of Province....	33
QUEBEC, City, Acts for incorporating and supplying it with water, amended and consolidated.....	237
Queen's Bench, in L. C., Act respecting Court of.....	290
Quieting titles to real estate in U. C., Act for.....	123
RAILWAY Postal subsidies, Act respecting.....	28
Railways. <i>See</i> Cobourg and Peterborough—Canada Central— Mount Royal—Windsor and Sandwich—Brockville and Ottawa.	
Ramsay. <i>See</i> St. Andrew's Church at.	
Real Estate, for quieting titles to in U. C.,.....	123
Registration of deeds, &c., in U. C., law amended and consolidated.	94
Registration of deeds, &c., in L. C., certificates of discharge.....	222
Renfrew and Lanark, to facilitate the separation of.....	379
Rent charges, U. C., release of part of land charged, effect of.....	138
Richelieu Company, charter amended.....	458
Rideau Club of the City of Ottawa, incorporated.....	484

	PAGES.
Rimouski and Gaspé, boundaries of altered.....	235
Roads and works, in U. C., Joint Stock Companies Act amended.	162
ST. ANDREW'S Church, Ramsay, sale of Glebe authorized.....	487
St. Catherine's General and Marine Hospital, incorporated.....	496
St. Hyacinthe, collection of School rates in.....	226
St. Mary's, Town, redemption of outstanding debentures provided for.....	385
St. Roch's Savings Bank, Quebec, inquiry into affairs of, provided for.....	427
St. St. Roch's, Montreal. <i>See</i> Caisse d'Epargnes.	
Sales and Mortgages, U. C., frauds in.....	141
Sales of land for taxes in U. C. declared valid in certain cases....	194
School rates, in St. Hyacinthe, collection of.....	226
Service Militia, provisions respecting,.....	29, &c.
Sheep, for better protection of, and tax on dogs, in U. C.....	168
Ship Channel between Montreal and Quebec, to provide for com- pleting.....	236
Short forms of mortgages in U. C., Act amended.....	136
Simcoe. <i>See</i> Trinity Church at.	
Sœurs de l'Assomption de la Sainte Vierge of the Parish of St. Gre- goire, incorporated.....	505
Stamp duties on bills and notes, Act amended.....	27
Standing Timber, for the preservation of, in L. C.....	233
Superior and Circuit Courts in L. C., procedure in.....	221
Supplies for 1865-6, and loan.....	4
Surgery and Medecine, to regulate practice of in U. C.....	152-162
Sylvester, Boyd, for relief of representatives of.....	511
TACKING, not to prevail against Registered Instrument, U. C....	110
Tadousac Hotel and Sea Bathing Company incorporated.....	470
Tavern Keepers, &c., in L. C., prosecutions against facilitated....	234
Taxes, sales of land for in U. C., certain, declared valid.....	134
Taxes, Registration of deeds of lands sold for, in U. C.....	108
Thistles, Canada, to prevent the spreading of in U. C.....	171
Timber, standing, for preservation of in L. C.....	233
Titles to real estate in U. C., Act for quieting.....	123
Tobacco manufactories, duties of Excise on, &c.....	19
Toronto City, certain assessments legalized.....	383
Toronto and Georgian Bay Canal Company, charter amended....	428
Towns and Villages, erection of in L. C.....	228
Trinity Church, Simcoe, sale of land authorized.....	488
Trusts and Property, law of amended in U. C.....	136
Trustees, U. C., provisions for relief of, &c.....	146
UNION Bank of Lower Canada, incorporated	409
Union St. Henri des Tanneries des Rollands, of the parish of Mon- treal, incorporated.....	503
Unlawful Associations and Oaths, in L. C., Act amended.....	224
Uses, future and contingent, U. C., provisions respecting.....	141

	PAGES.
VENEREAL disease, for preventing the spread of at Military and Naval Stations.....	38
Victoria County, by-laws and debentures legalized.....	382
Villages and towns in L. C., erection of.....	228
WALKEM, R. T., admission of, as Attorney and Solicitor, U. C....	518
Walkerton, appointed the County Town of Bruce.....	380
War Department, powers of, in taking lands for defence.....	36
Waterloo County Mutual Fire Insurance Company, powers extended.	469
Windsor and Sandwich Street Railway Company, incorporated....	443
Wills, registration of in U. C.....	103
Wives and children, to secure benefit of insurance to.....	73
Writ of assistance in Excise cases.....	22
YORK ROADS, vested in County of York only.....	384





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S T A T U T E S
OF THE
PROVINCE OF CANADA

PASSED IN THE SESSION HELD IN THE
1866
TWENTY-NINTH AND THIRTIETH YEARS OF THE REIGN
OF HER MAJESTY

QUEEN VICTORIA

BEING THE FIFTH SESSION OF THE EIGHTH PARLIAMENT OF CANADA,

Begun and holden at Ottawa on the Eighth day of June, in the year of Our
Lord One Thousand Eight Hundred and Sixty-six.



HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.

OTTAWA:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1866.





ANNO VICESIMO-NONO ET TRICESIMO

VICTORIÆ REGINÆ.

C A P . I .

An Act to authorize the apprehension and detention until the eighth day of June, one thousand eight hundred and sixty-seven, of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government.

[Assented to 8th June, 1866.]

WHEREAS certain evil disposed persons being subjects or citizens of Foreign Countries at peace with Her Majesty, have lawlessly invaded this Province, with hostile intent, and whereas other similar lawless invasions of and hostile incursions into the Province are threatened: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. All and every person and persons who is, are or shall be within Prison in this Province at, upon, or after the day of the passing of this Act, by warrant of commitment signed by any two Justices of the Peace, or under capture or arrest made with or without Warrant, by any of the officers, non-commissioned officers or men of Her Majesty's Regular, Militia or Volunteer Militia Forces, or by any of the officers, warrant officers or men of Her Majesty's Navy, and charged; Persons in custody at or after the passing of this Act and charged with any of the following offences—

With being or continuing in arms against Her Majesty within this Province;

Or with any act of hostility therein;

Or with having entered this Province with design or intent to levy war against Her Majesty, or to commit any felony therein;

Or with levying war against Her Majesty in company with any of the subjects or citizens of any Foreign State or Country then at peace with Her Majesty;

Or with entering this Province in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any act of Felony therein ;

Or with joining himself to any person or persons whatsoever, with the design or intent to aid and assist him or them whether subjects or aliens, who have entered or may enter this Province with design or intent to levy war on Her Majesty, or to commit any felony within the same ;

Or charged with High Treason or treasonable practices, or suspicion of High Treason, or treasonable practices ;

May be detained without bail until 8th June 1867.

May be detained in safe custody without Bail or mainprize until the eighth day of June, one thousand eight hundred and sixty-seven, and no Judge or Justice of the Peace shall bail or try any such person or persons so committed, captured or arrested without order from Her Majesty's Executive Council, until the eighth day of June, one thousand eight hundred and sixty-seven, any Law or Statute to the contrary notwithstanding ; provided, that if within fourteen days after the date of any warrant of commitment, the same or a copy thereof certified by the party in whose custody such person is detained, be not countersigned by a clerk of the Executive Council, then any person or persons detained in custody under any such warrant of commitment for any of the causes aforesaid by virtue of this Act, may apply to be and may be admitted to Bail.

Provided the warrant of commitment be countersigned within 14 days by a Clerk of the Executive Council.

By whom and where such persons may be detained.

2. In cases where any person or persons have been, before the passing of this Act or shall be during the time this Act shall continue in force arrested, committed or detained in custody by force of a warrant of commitment of any two Justices of the Peace for any of the causes in the preceding section mentioned, it shall and may be lawful for any person or persons to whom such warrant or warrants have been or shall be directed to detain such person or persons so arrested or committed, in his or their custody, in any place whatever within this Province, and such person or persons to whom such warrant or warrants have been or shall be directed, shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody, and to be the lawful Gaolers and Keepers of such persons so arrested, committed or detained, and such place or places, where such person or persons so arrested, committed or detained, are or shall be detained in custody, shall be deemed and taken to all intents and purposes to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively ; and it shall and may be lawful to and for Her Majesty's Executive Council by warrant signed by a Clerk of the said Executive Council to change the person or persons by whom and the place, in which such person or persons so arrested, committed or detained, shall be detained in safe custody.

Such place, &c., may be changed by warrant from Executive Council.

3. The Governor may, by Proclamation, as and so often as he may see fit, suspend the operation of this Act, or within the period aforesaid, again declare the same to be in full force and effect, and, upon any such Proclamation, this Act shall be suspended or of full force and effect as the case may be.

Act may be suspended, and again brought into force.

4. This Act may be altered, amended or repealed during the present Session of Parliament.

May be amended this Session.

C A P . I I .

An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty.

[Assented to 8th June, 1866.]

FOR the protection of the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at Peace with Her Majesty: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. In case any person, being a citizen or subject of any Foreign State or Country at peace with Her Majesty, be or continue in arms against Her Majesty, within Lower Canada, or commits any act of hostility therein, or enters Lower Canada with design or intent to levy war against Her Majesty, or to commit any felony therein, for which any person would, by the laws of Lower Canada, be liable to suffer death, then the Governor may order the assembling of a Militia General Court Martial for the trial of such person, agreeably to the Militia Laws; and upon being found guilty by such Court Martial of offending against this Act, such person shall be sentenced by such Court Martial to suffer death, or such other punishment as shall be awarded by the Court.

Citizens or subjects of a foreign power taken in arms in L. C. may be tried and sentenced by a Militia Court Martial.

2. If any subject of Her Majesty, within Lower Canada, levies war against Her Majesty, in company with any of the subjects or citizens of any Foreign State or Country then at peace with Her Majesty, or enters Lower Canada in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any such act of felony as aforesaid, or if, with the design or intent to aid and assist, he joins himself to any person or persons whatsoever, whether subjects or aliens, who have entered Lower Canada with design or intent to levy war on Her Majesty, or to commit any such felony within the same, then such subject of Her Majesty may be tried and punished by a Militia Court Martial, in like manner as any citizen or subject of a Foreign State or Country at peace with Her Majesty, is liable under this Act to be tried and punished.

Subjects of H. M. in L. C. levying war with foreigners, or aiding them in so doing, may be tried and sentenced in the same manner.

Such foreigners
may also be
tried before the
Court of
Queen's Bench.

And on conviction
shall suffer
death.

3. Every citizen or subject of any foreign state or country who offends against the provisions of this Act, is guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried before "The Court of Queen's Bench" in the exercise of its criminal jurisdiction in and for any District in Lower Canada, in the same manner as if the offence had been committed in such District, and upon conviction shall suffer death as a felon.

C A P . I I I .

An Act to amend the Act of the present Session, intituled: *An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty.*

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 3 of cap.
2 repealed, and
new provision
made.

1. The third section of the Act passed in the present Session of the Parliament of this Province, and intituled: *An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty*, is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the third section of the said Act :

Her Majesty's
subjects or for-
eigners offend-
ing against cap.
2 to be guilty of
felony, and pun-
ishable accord-
ingly.

"3. Every subject of Her Majesty and every citizen or subject of any foreign state or country who has at any time heretofore offended or may at any time hereafter offend against the provisions of this Act, is and shall be held to be guilty of felony, and may, notwithstanding the provisions hereinbefore contained be prosecuted and tried before the Court of Queen's Bench in the exercise of its criminal jurisdiction in and for any district in Lower Canada, in the same manner as if the offence had been committed in such district, and upon conviction shall suffer death as a felon."

C A P . I V .

An Act to amend the ninety-eighth chapter of the Consolidated Statutes for Upper Canada.

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The third section of the ninety-eighth chapter of the Consolidated Statutes for Upper Canada, intituled : *An Act to protect the inhabitants of Upper Canada, against lawless aggressions from the subjects of Foreign Countries at peace with Her Majesty*, is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the third section of the said Act : Sect. 3 of cap. 98 Con. Stat. U. C. repealed and new provision made.

“ 3. Every subject of Her Majesty and every citizen or subject of any foreign state or country who has at any time heretofore offended or may at any time hereafter offend against the provisions of this Act, is and shall be held to be guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried before any Court of Oyer and Terminer and General Gaol Delivery, in and for any County in Upper Canada, in the same manner as if the offence had been committed in such County, and upon conviction shall suffer death as a felon.” Her Majesty's subjects or foreigners offending against that act to be guilty of felony and punishable accordingly.

2. In case any person shall be prosecuted and tried under the provisions of the next preceding section and found guilty, it shall and may be lawful for the Court before which such trial shall have taken place, to pass sentence of death upon such person, to take effect at such time as the Court may direct, notwithstanding the provisions of an Act of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting New Trials and Appeals and Writs of Error in criminal cases in Upper Canada*. Sentence may be carried out notwithstanding Con. Stat. U. C. cap. 113.

C A P . V .

An Act to prevent the unlawful training of persons to the use of arms, and to practice Military evolutions or exercises; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Meetings for drill, &c., without lawful authority prohibited.

Punishment of persons acting as instructors at such meetings.

And of persons receiving instruction.

Such meetings may be dispensed, and persons attending them arrested : and committed for trial if not bailed.

1. All meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising Military exercises, movements or evolutions, without any lawful authority for so doing, shall be and are hereby prohibited, and declared unlawful, as dangerous to the peace and security of Her Majesty's liege subjects, and of this Province ; and every person who shall be present at or shall attend any such meeting or assembling for the purpose of training any other person or persons to the use of arms or to the practice of military exercises, movements or evolutions, or who, without lawful authority for so doing, shall train or drill any other person or persons to the use of arms, or to the practice of military exercises, movements or evolutions, or shall aid or assist therein, being legally convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for the term of two years, or to be punished by fine and imprisonment in any of the common jails of this Province for a period not less than two years, in the discretion of the Court in which such conviction shall be had ; and every person who shall attend or be present at any such meeting or assembly, for the purpose of being or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercises, movements or evolutions, being legally convicted thereof shall be liable to be punished by fine and imprisonment not exceeding two years, in the discretion of the Court before which such conviction shall be had.

2. It shall be lawful for any Justice of the Peace, or for any Constable or Peace Officer, or for any person acting in their aid or assistance, to disperse any such unlawful meeting or assembly as aforesaid, and to arrest and detain any person present at or aiding, assisting or abetting any such assembly or meeting as aforesaid ; and it shall be lawful for the Justice of the Peace who shall arrest any such person or before whom any person so arrested shall be brought, to commit such person for trial for such offence under the provisions of this Act, unless

unless such person can and shall give bail for his appearance at the next assizes, if in Upper Canada, or at the next term or sitting of the Court of Queen's Bench in the exercise of its criminal jurisdiction, if in Lower Canada, to answer to any indictment which may be preferred against him for any such offence against this Act.

3. And whereas it is expedient to prevent the collection and keeping of arms, weapons and other things within this Province, which are so collected and kept for purposes dangerous to the public peace; and it is expedient that Justices of the Peace be authorized and empowered to seize and detain such arms and weapons, therefore it shall be lawful for any Justice of the Peace, upon information on oath of one or more credible witness or witnesses, that any pike, pike head, spear, dirk, dagger, sword, pistol, gun, rifle or other weapon, gunpowder, lead, cartridges, bullets or other ammunition or munitions of war, are for any purpose dangerous to the public peace, in the possession of any person, or in any house or place, to issue his warrant to any Constable or other Peace Officer, to search for and seize any such pike, pike head, spear, dirk, dagger, sword, pistol, gun, rifle or other weapon, gunpowder, lead, cartridges, bullets or other ammunition or munitions of war, being in the possession of any such person, or in any such house or place as aforesaid; and to arrest any person having such possession as aforesaid, and in case admission into such house or place be refused, or not obtained within a reasonable time after it shall have been first demanded, to enter by force, by day or by night, into every such house or place whatsoever, and to detain or cause to be detained such person, and to keep in safe custody, in such place as the said Justice shall appoint and direct, the arms and weapons, ammunition or munitions of war, so found or seized as aforesaid, unless the owner thereof shall prove, to the satisfaction of such Justice, that such arms or weapons, ammunition or munitions of war, were not kept for any purpose dangerous to the public peace; and any such person having the possession or custody of any such arms, weapons, ammunition or munitions of war, and being so arrested, shall be brought before any justice of the peace, and may be dealt with, tried and punished in the same manner as is provided for persons arrested and tried under the fifth section of this Act.

Arms or ammunition kept for any unlawful purpose may be seized and detained.

And the person having them may be arrested.

How dealt.

4. Provided always, that it shall be lawful for any person from whom any such arms or weapons, ammunition or munitions of war, shall be so taken as last aforesaid, in case the justice of the peace upon whose warrant the same shall have been taken, upon application made for that purpose, refuses to restore the same, to apply to the next General or Quarter Sessions of the peace, or in Lower Canada in any district in which no such Court may then be held, to any Judge of the Court of Queen's Bench, or of the Superior Court, upon giving ten days previous

Claims for restitution of such arm, &c., how to be decided upon.

previous notice of such application to such justice of the peace, for the restitution of such arms or weapons, or any part thereof; and the justices assembled at such General Quarter Sessions of the peace, or such Judge of the Court of Queen's Bench, or of the Superior Court, shall make such order for the restitution or safe custody of such arms or weapons, or any part thereof, as upon such application shall appear to them or him to be proper.

Persons carrying arms for unlawful purposes may be arrested, and—

Committed and tried for misdemeanor.

May be bailed.

All justices of the peace to have concurrent jurisdiction under this Act.

Provision for protection of justices and others acting under this Act.

5. It shall be lawful for any Justice of the Peace, or for any Constable, Peace Officer or other person acting under the Warrant of any Justice of the Peace, or for any person acting with or in aid of any Justice of the Peace, or of any Constable or other Peace Officer, having such warrant as aforesaid, to arrest and detain any person found carrying any such arms or weapons as aforesaid, in such manner and at such times as, in the judgment of such Justice of the Peace, to afford just grounds of suspicion that the same are for purposes dangerous to the Public Peace; and it shall be lawful for the justice who shall arrest any such person, or before whom any person arrested upon any such warrant shall be brought, to commit such person for trial for a misdemeanor; and such person shall be liable to be tried for a misdemeanor for carrying such arms or weapons aforesaid, and on conviction shall be punished by fine or imprisonment or both in the discretion of the Court trying him for such offence; but any such person may before conviction give good and sufficient bail for his appearance at the next Assizes or General Quarter Sessions of the Peace, or in Lower Canada in any District in which no Court of Quarter Sessions may then be held, at the next term of the Court of Queen's Bench in the exercise of its criminal jurisdiction, to answer to any indictment which may be preferred against him.

6. All Justices of the Peace in and for any District, County, City, Town or place, in this Province, shall have concurrent jurisdiction as Justices of the Peace, with the justices of any other District, County, City, Town or place, in all cases as to the carrying into execution the provisions of this Act, and as to all matters and things relating to the preservation of the public peace under this Act, as fully and effectually as if each of such justice was in the commission of the peace, or were *ex officio* Justices of the Peace for each of such Districts, Counties, Cities, Towns or places.

7. Any action or suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer or other person or persons for any thing done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue shall be laid in Upper Canada, and the action or suit shall be brought in Lower Canada, in the proper

proper county, district or other judicial division, where the fact was committed and not elsewhere; and the defendant or defendants may plead the general issue and give this Act and the special matter in evidence in any trial to be had thereupon; and if such action or suit be commenced or brought after the time hereby limited for bringing the same, or be brought or the venue laid in any other place than as aforesaid, then a verdict shall be found or judgment shall be given for the defendant or defendants; and in such case if the plaintiff or plaintiffs become non-suit or discontinue his, her or their action after appearance, or if the jury find a verdict or the Court give judgment for the defendant or defendants on the merits, or if upon demurrer, judgment be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, and may recover the same in such and the same manner as any defendant can by law in like cases.

Double costs against plaintiff failing in his suit.

8. The Governor in Council may, from time to time, by Proclamation, suspend the operation of this Act in this Province or in any particular districts or district, counties, county or locality therein specified; and from and after the period specified in any such Proclamation the powers given by this Act shall be suspended in this Province or in such districts or district, counties, county or locality; but nothing herein contained shall prevent or be construed to prevent the Governor in Council from again declaring, by proclamation, that this Province or any such districts or district, counties, county or locality shall be again subject to this Act and the powers hereby given, and upon such Proclamation this Act shall be revived and in force accordingly.

This Act may be suspended and again brought into force in the whole Province or any part of it.

9. No person shall be prosecuted for any offence done or committed against the provisions of this Act, unless such prosecution be commenced within six calendar months after the offence committed.

Limitation of time for prosecutions under this Act.

C A P. V I.

An Act to amend the Acts respecting Duties of Customs, and the Tariff of Duties payable under them.

[Assented to 15th August, 1866.]

WHEREAS it is expedient to revise and amend the Tariff of Duties of Customs now in force, and otherwise to amend the Act relating to the said Duties: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. So much of the Act chapter seventeen of the Consolidated Statutes of Canada, or of any other Act now in force, as imposes duties of customs on the goods enumerated in the Schedules

Former duties on goods in Schedules A & B repealed,

Schedules

and duties in the said Schedules substituted from 27th June, 1866.

Schedules A and B to this Act, or upon any goods not enumerated in any of the schedules to this Act, is repealed, and in lieu and instead of such duties there shall be raised, levied, collected and paid upon the said goods, when imported into this Province, or taken out of warehouse for consumption therein, the several duties of Customs respectively set forth and described in the said Schedules A and B; the provisions of this section shall be held to have come into force, upon the twenty-seventh day of June, in the present year, one thousand eight hundred and sixty-six, and the duties mentioned in the said Schedules shall be those payable on such goods when imported or taken out of warehouse for consumption as aforesaid, on or after the said day; the duty of fifteen *per centum ad valorem*, being payable upon all goods not charged with any other duty and not hereby declared free of duty.

Fifteen per cent *ad val.* on unenumerated goods.

Duty on goods in Schedule C from passing of Act.

2. There shall be raised, levied, collected and paid upon the goods enumerated in schedule C to this Act, imported into this province or taken out of warehouse for consumption therein after the passing of this Act, the several duties of Customs set forth and described in the said schedule C;—except only in the cases where any such goods may be exempted from duty under the provisions hereinafter made.

Duties on goods in Schedule D, from 1st Oct. 1866.

3. Upon, from and after the first day of October in the present year, one thousand eight hundred and sixty-six, so much of the said chapter seventeen of the Consolidated Statutes of Canada, or of any other Act now in force, as imposes duties of Customs on the goods enumerated in the schedule D to this Act, shall be repealed, and in lieu and instead of such duties, there shall be raised, levied, collected and paid upon the said goods when imported into this province, or taken out of warehouse for consumption therein, on or after the day last mentioned, the several duties of Customs set forth and described in the said schedule D, the present duties on such goods remaining payable thereon until the said day.

Present duties to remain until that day.

Goods in Schedule E to be free from 27th June, 1866.

4. So much of the said chapter seventeen of the Consolidated Statutes of Canada, or of any other Act now in force, as imposes any duty of Customs on any of the goods enumerated in Schedule E to this Act, is repealed and the said goods may be imported into this Province or taken out of warehouse for consumption therein, without payment of any duty of customs thereon; and the provisions of this section shall be held to have come into force upon the twenty-seventh day of June, in the present year one thousand eight hundred and sixty-six, and shall apply to all such goods imported or taken out of warehouse for consumption, on or after the said day.

Goods in Schedule F free on certain conditions.

5. Upon, from and after the passing of this Act the goods enumerated in Schedule F to this Act, may, subject to the conditions therein mentioned, be imported into this Province or taken out

out of warehouse for consumption therein, without the payment of any duty of customs thereon.

6. The goods mentioned in the Schedule G to this Act, may, subject to the conditions therein mentioned, be imported into this Province, or taken out of warehouse for consumption therein, without the payment of any duty of Customs thereon, whenever and so long as it shall be so directed in any such Order in Council or Proclamation of the Governor in Council, as in the said Schedule provided.

Goods in Schedule G, may be made free by order in Council.

7. The goods enumerated in Schedule H to this Act, shall not be imported into this Province, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed.

Goods in Schedule H prohibited.

8. Upon, from and after the passing of this Act, there shall be raised, levied, collected and paid, upon the goods enumerated in Schedule I to this Act, (except as therein excepted,) the export duties mentioned in the said Schedule, and such duty shall be paid to the proper Officer of Customs, at the intended port of exportation; the export of such goods without payment of the said duty shall be unlawful, and the Collector or any Officer of Customs shall prevent the exportation of such goods until such duties thereon are paid; and if any attempt be made to export such goods contrary to the provisions of this Act, they shall be liable to seizure and be forfeited, and shall be dealt with as other goods forfeited for breach of the customs laws.

Exports duty on goods in Schedule I.

9. Upon and after the fifteenth day of September, in the present year, one thousand eight hundred and sixty-six, the Act passed in the twenty-third year of Her Majesty's Reign, chapter twenty, intituled : *An Act respecting Free Ports of Entry*, shall be repealed; and it shall be lawful for the Governor in Council, at any time after the passing of this Act, by Proclamation, to declare that any Free Port established under the said Act shall cease to be a Free Port on and after the said day, and that any Proclamation establishing such Free Port shall then be revoked, but any regulation theretofore made by the Governor in Council for preventing frauds on the Revenue by reason of such Free Ports, shall remain in force; and upon and after the said fifteenth day of September, one thousand eight hundred and sixty-six, the same duties shall be levied on goods imported into places theretofore within the limits of such Free Ports as on goods imported into other Ports of this Province; and goods subject to duty shall, if brought either before or after the said day from a Free Port or from any place which is or has been within the limits of a Free Port, into any other Port in this Province, be subject to the like duty, and be dealt with in all respects in the like manner, and be subject to the like provisions, regulations, penalties and forfeiture,

Repeal of Free Ports Act, 23 V. c. 20 on and after 15th September, 1866.

Provisions consequent on such repeal.

As to goods brought from Free Ports to other parts of this Province.

forfeiture, as if imported from a place beyond the limits of the Province, except that no duty shall be paid on such goods, if it be proved to the satisfaction of the collector, that they were not imported into such Free Port from any place out of this Province, or that they were not then subject to duty, or that the duty on them had been paid.

Duty on packages.

Certain packages to be free.

Duty on others.

What shall be deemed the fair market value for duty *ad val.*

Provision as to packages delivered to importer before examination.

Bond to be given.

10. The provisions substituted by the first section of the Act passed in the twenty-fourth year of Her Majesty's reign, chapter two, for those of schedule A of the said chapter seventeen of the Consolidated Statutes of Canada, are repealed; packages containing Free goods and of the description in which such goods are usually imported shall be free, as shall also bales, trusses, cases covering casks of wine or brandy in wood, cases and casks containing dry goods, hardware or cutlery, crates or casks containing glass-ware or earthenware, cases containing bottled wine or bottled spirits, and other packages of the descriptions in which goods of the kind contained in them are usually imported, and which do not necessarily or generally accompany such goods when sold in this Province; but all other packages shall, as therein provided, be subject to the duties mentioned in schedule B to this Act.

11. The fair market value for duty, of goods imported into this Province, shall be, the fair market value of such goods in the usual and ordinary commercial acceptance of the term at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is by universal usage considered and known to be a cash article, and so *bond fide* paid for in all transactions in relation to such article, and no discounts for cash shall in any case be allowed in deduction of the fair market value as hereinabove defined; and all invoices representing cash values, except in the special cases hereinabove referred to, shall be subject to such additions as to the Collector or Appraiser of the Port at which they will be presented, may appear just and reasonable to bring up the amount to the true and fair market value as required by this section.

12. All the packages mentioned in any one Entry, although most of such packages may have been delivered to the importer, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent for examination to the Examining Warehouse, shall have been duly examined and approved, provided such examination take place within three days after the delivery of the package or packages into the Examining Warehouse, and after twenty-four hours notice by the importer to the collector; and a bond shall be given by the importer conditioned that the packages so delivered shall not be opened or unpacked before the package or packages sent to the Examining Warehouse shall have been examined and passed

passed as aforesaid, provided they are examined within the delay aforesaid; and the packages so delivered, or the goods if lawfully unpacked, shall, if required by the Collector of Customs, be returned to the Custom House within such delay as may be mentioned in the bond under a forfeiture of the penalty of such bond.

13. The Collectors of Customs, at all the ports in this Province, may retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively, of which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers, and such copies or extracts so duly certified by the Collector or other proper officer and bearing the Stamp of the Custom House at which they are filed, shall be considered and received as authentic; and the Collector shall be entitled to demand for each certificate a fee of fifty cents, before delivering the same.

Collector may retain and file invoices.

Certified copies to be evidence

14. On the entry of any goods, the decision of the Collector of customs at the port of entry, as to the rate and amount of duties to be paid on such goods, shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee or agent of the goods, do within ten days after the ascertainment and liquidation of the duties by the proper officers of customs, and whether the goods are entered in bond or for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein distinctly and specifically the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation appeal therefrom to the Minister of Finance whose decision on such appeal, or in his absence the decision of any other member of the Executive Council who may be appointed by the Governor in Council for that purpose, shall be final and conclusive, and such goods shall be liable to duty accordingly, unless suit be brought within sixty days after the decision on such appeal, for any duties which shall have been paid before the date of such decision, on such goods, or within sixty days after the payment of duties paid after such decision; And no suit shall be maintained in any Court for the recovery of any duties, alleged to have been erroneously or illegally exacted, until such decision as last mentioned shall have been first had on such appeal; Provided that such decision shall be given within thirty days after such appeal has been lodged with the Minister of Finance.

Duties fixed by Collector to be final unless appealed from within a certain time.

No suits for recovery until after decision on appeal.

Proviso.

15. The Standards by which the colour and grades of sugars are to be regulated, and the class to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the collectors of such Ports of entry as may be necessary, by the Minister of Finance, in such manner as he may deem expedient; and the

Standards for qualities of sugar.

Forfeiture for entering certain syrups, &c., under wrong names.

the decision of the appraiser, or of the Collector of a Port where there is no appraiser, as to the class to which any imported sugar belongs and the duties to which it is subject, shall be final and conclusive, and the duties shall be paid accordingly ; and all cane juice, syrup of sugar or of sugar cane, melado, or concentrated melado or concentrated molasses, entered as molasses or under any other name than cane juice, syrup of sugar or of sugar cane, melado, concentrated melado, or concentrated molasses, shall be forfeited.

Provision for refunding overplus of duties paid after 27th June, 1866.

16. If in any case in which the duty on any goods under this Act is less than the duty for which it is substituted, or in which goods that without this Act would have been subject to duty are hereby made free of duty, and as to which it is provided that such reduction or abolition of duty shall be held to have taken place on the twenty-seventh day of June, in the present year, one thousand eight hundred and sixty-six, any greater duty has been collected and paid on goods entered or taken out of warehouse for consumption on or after the said day, than would be payable under this Act, or any duty has been so paid on goods which are free under this Act,—the Minister of Finance may direct that the difference between the duty paid and that substituted for it by this Act, or the whole duty paid if no duty is substituted therefor by this Act, may be refunded to the party who has paid the same, under such regulations and on such conditions as the said Minister of Finance may direct ; and any order made by the Minister of Finance allowing goods on which increased duties are imposed by this Act, from the twenty-seventh day of June now last, and which were warehoused before that day, to be taken out of bond for consumption between that day and the seventh day of July following, both days inclusive, on payment of the former duties thereon, is approved and confirmed.

As to goods taken out of warehouse between 27th June and 7th July, 1866.

Reports for entry may be made by pursers of steam vessels.

Proviso.

17. The Report for entry, inwards or outwards, required by the eleventh and fifty-second sections of the said Act, chapter seventeen of the Consolidated Statutes of Canada, may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and the like forfeiture of the goods in case of any untrue report, as if the report were made by the master ;—and the word “master” in the said sections shall be construed as including the purser of any steam vessel ; but nothing herein contained shall preclude the collector or proper officer of customs from calling upon the master of any steam vessel, to answer all such questions concerning the vessel, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master from the penalties imposed by the said sections for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he shall see fit so to do.

18. Whenever the collector of customs at any port is satisfied that in such port as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary infectious, contagious or epidemic disease, which could be transferred by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health, a certificate under his hand and seal attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar.

Collectors may grant bills of health.

19. The foregoing provisions of this Act shall be construed as one Act with the said chapter seventeen of the Consolidated Statutes of Canada, intituled: *An Act respecting Duties of Customs and the collection thereof*, and the Acts amending the same, in so far as they are in force and consistent with this Act; And all words and expressions used in this Act shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the duties imposed by them or any of them, or the regulations made or to be made under them, shall apply to the duties imposed by this Act, except in so far only as they may be inconsistent with this Act.

Incorporation of this and former Acts.

Construction of words, &c.

SCHEDULE A.

Specific duties payable on and after 27th June, 1866.

	Duties.	
	\$	cts.
Spirits and strong waters, viz :		
Brandy, Gin, Rum, Whisky, Spirits of Wine and Alcohol not being Whisky, on every gallon of the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof, and for every less quantity than a gallon.....		0 70
Cordials, other than Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder and Currant wines... Per gallon	1	20
Perfumed spirits to be used as perfumery only.....	"	1 20
Acetic Acid and Vinegar.....	"	0 05
Ale, Beer and Porter in casks.....	"	0 05
Do do do in bottles, 4 Quart or 8 Pint Bottles to the Gallon.....	"	0 07
On Crude Petroleum.....	"	0 06
Oils :—viz.		
Coal and Kerosene, distilled, purified and refined..... Per Gallon	0	10
Naphtha.....	"	0 15
Benzole.....	"	0 15
Refined Petroleum.....	"	0 15
Sugar, viz :—		
Candy—brown or white, refined sugar or sugar rendered by any process equal in quality thereto and manufactures of refined sugar, including succades and confectionery,..... Per 100 lbs	3	00
		White

	Duties.	
	\$	cts.
White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined or equal in quality to refined.....	Per 100 lbs	2 60
Yellow Muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow muscovado or brown clayed, and not equal to white clayed.....	"	2 25
Brown Muscovado sugar, or sugar rendered by any process equal in quality to brown Muscovado and not equal to yellow muscovado or brown clayed.....	"	1 90
Any other sugar not equal in quality to brown Muscovado.....	"	1 68
Cane juice, Syrup of Sugar or of Sugar Cane, Syrup of Molasses, Melado, concentrated Melado or concentrated Molasses.....	"	1 37
Molasses.....	"	0 73
Coffee, green.....	Per lb.	0 03
Do roasted or ground.....	"	0 04
Chicory or other root or vegetable used as Coffee, raw or green.....	"	0 03
Chicory, kiln-dried, roasted or ground.....	"	0 04
Common Soap.....	Per 100 lbs.	1 00
Starch.....	"	2 50
Tobacco :—Manufactured, viz :		
Cavendish ..	Per lb.	0 15
Common cut.....	"	0 7½
Fine cut.....	"	0 20
Canadian Twist.....	"	0 04
Snuff and snuff flour dry.....	"	0 15
Snuff, damp, moist or pickled.....	"	0 10
Cigars :—Value not over \$10 per Mille.....	Per Mille.	3 00
Do over \$10 and not over \$20.....	"	4 00
Do over \$20 and not over \$40.....	"	5 00
Do over \$40 per Mille.....	"	6 00

SCHEDULE B.

Ad Valorem Duties payable on and after 27th June, 1866.

GOODS PAYING TWENTY-FIVE PER CENTUM AD VALOREM :—

Cinnamon, mace and nutmegs,
 Spices, including ginger, pimento and pepper ground,
 Patent medicines and medicinal preparations not elsewhere specified,
 Essences and perfumery, not elsewhere specified

GOODS PAYING FIFTEEN PER CENTUM AD VALOREM :—

Manufactures of Leather, including boots and shoes, harness and saddlery,
 Clothing or wearing apparel made by hand or sewing machine,
 Blacking,

Blacking,
 Bagatelle Boards and Billiard Tables, and furnishings, not elsewhere specified,
 Brooms and brushes of all kinds,
 Cabinet ware or furniture,
 Candles and tapers of tallow, wax or any other material,
 Carpets and hearth rugs,
 Carriages,
 Coach and harness furniture,
 Chandeliers, girandoles and gas fittings,
 Chinaware, earthenware and crockery,
 Cider,
 Clocks,
 Corks,
 Cottons, cotton warp, cotton yarn and cotton twist,
 Dried fruits and nuts,
 Drugs not otherwise specified,
 Fancy Goods and Millinery, viz :—
 Articles embroidered with gold, silver or other metals, bracelets, braid, &c., made of hair, feathers and flowers, fans and fire screens, millinery of all kinds, ornaments of bronze, alabaster, terra-cotta or composition, silver and gold cloth, thread and other articles embroidered with gold or for embroidering, thread-lace and insertions, writing desks, fancy and ornamental cases and boxes, and other fancy goods,
 Foreign Newspapers, sent otherwise than through the Post Office,
 Fire works,
 Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder and Currant Wines,
 Gunpowder,
 Guns, rifles and fire arms of all kinds,
 Glass and glass ware, plate, and silvered, stained, painted or colored,
 Hats, caps, and bonnets,
 Hat plush,
 Hosiery,
 Inks of all kinds, except printing inks,
 Hardware, viz :—
 Cutlery, polished, of all sorts,
 Japanned, planished tin, Britannia Metal ware,
 Spades, shovels, axes, hoes, rakes, forks and edgetools, scythes and snaths,
 Spikes, nails, tacks, brads, and sprigs,
 Stoves and all other iron castings,
 Other Hardware,
 Plank and sawed Lumber of all kinds, except walnut, mahogany, chestnut, rosewood and cherry,
 Leather, viz :—
 Sheep, calf, goat and chamois skins, dressed, varnished or enamelled,
 Linen,
 Locomotive Engines and Railroad Cars,

Maccaroni and Vermicelli,

Manufactures of marble or imitation of marble other than rough sawn slabs or blocks.

Manufactures of Caoutchouc, india rubber or gutta percha,

“ Fur or of which fur is the principal part,

“ Hair or mohair,

“ Papier Mâché,

“ Grass, osier, palm leaf, straw, whalebone or willow, except plaits elsewhere mentioned,

“ Bone, shell, horn, pearl and ivory,

“ Gold, silver, electro-plate, argentine, albata, and german silver and plated and gilded ware of all kinds,

“ Brass or copper,

“ Leather or imitation of leather,

“ Wood not elsewhere specified,

“ Cashmere,

Musical instruments, including musical boxes and clocks,

Mustard,

Ochres when ground or calcined,

Oil cloths,

Oils, in any way rectified, pumped, racked, bleached or pressed, not elsewhere specified,

Opium,

Packages, containing goods paying specific duties only; If containing goods paying *ad valorem* duties, their value to be added to the value of the goods for duty: except (whether the duties be specific or *ad valorem*) such packages as are declared free by section ten of this Act,

Paints and colors not exempted from duty by Schedule E,

Paper,

Paper hangings,

Parasols and umbrellas,

Plaster of Paris and Hydraulic Cement, ground and calcined,

Playing cards,

Pickles and sauces,

Preserved meats, poultry, fish and vegetables,

Printed, lithographed or copper plate bills, bill heads, &c., and advertising pamphlets,

Portable Hand Printing Presses.

Shawls,

Silks, satins and velvets,

Silk, woollen, worsted and cotton embroideries, and tambour work,

Silk twist and silk and mohair twist, not elsewhere specified,

Spices, unground, including ginger, pimento and pepper,

Stationery,

Small wares,

Tobacco pipes,

Toys,

Varnish, other than bright or black,

Woollens,

Book, map and newsprinting paper,

Engravings

Engravings and prints,
 Flat wire for crinolines, covered,
 Jewellery and watches,
 Maps, charts and atlases, not elsewhere mentioned,
 Ready made sails,
 Spirits of turpentine,

And all goods not enumerated in any of the Schedules to this Act as charged with any other duty, nor declared exempt from duty.

GOODS PAYING TEN PER CENTUM AD VALOREM :—

Sole and Upper Leather.

Ad Valorem and Specific duties payable after 27th June, 1866.

Tea, fifteen per centum *ad valorem*, and a specific duty of seven cents per lb.

SCHEDULE C.

Specific Duties payable on and after the passing of this Act.

	Duties.
Butter.....	Per lb. 0 04
Cheese	" 0 03
Lard and Tallow.....	" 0 01
Fish, salted or smoked.....	" 0 01
Flour of Wheat or Rye	Per Brl. 0 50
Flour and Meal of all other kinds.....	" 100lbs. 0 25
Indian Corn and Grain of all kinds, except Wheat....	" Bush. 0 10
Meats, fresh, salted or smoked.....	" lb. 0 01

SCHEDULE D.

Specific Duties payable on and after 1st October, 1866.

Wines of all kinds, except sparkling wines, and Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder and Currant Wines, containing not over 26 degrees of proof spirits by Sykes' Hydrometer, in wood.....	Per gallon 0 10
Do do (except as above) containing over 26 degrees and not more than 42 degrees of proof spirits by Sykes' Hydrometer, in wood.....	" 0 25
Do do (except as above) containing not more than 42 degrees of proof spirits by Sykes' Hydrometer, in bottles.....	} Per doz. quarts 1 50 pints, 0 75 And

And an additional duty of 3 cents per gallon for every degree of strength beyond 42 degrees, whether in wood or bottles; 4 quart or 8 pint bottles to the gallon.

Wine—Sparkling, of all kinds in bottles, when accompanied by a certificate of growth, in quarts.....	Per doz.	3 00
Do do do in pints.....	"	1 50
And when not accompanied by a certificate of growth an additional duty of, in quarts.....	"	1 00
" in pints.....	"	0 50

SCHEDULE E.

Free Goods, on and after 27th June, 1866.

Anchors,
 Brass in bars, rods or sheets,
 Brass or copper wire and wire cloth of brass or copper,
 Copper in bars, rods, bolts or sheets,
 Copper, brass or iron tubes and piping, when drawn.
 Iron of the descriptions following, viz :—
 Canada plates and tin plates,
 Galvanized and sheet,
 Galvanized spikes and bolts,
 Wire, nail and spike rod, round or flat,
 Scrap, bar, rod or hoop,
 Hoop or tire for locomotive wheels bent and welded,
 Boiler plate,
 Railroad bars, wrought iron chairs and fish plates,
 Rolled plate,
 Puddled iron bars,
 Lead in sheet,
 Litharge,
 Locomotive and engine frames, cranks, crank axles, Railway car and locomotive axles, piston rods, guide and slide bars, crank pins and connecting rods,
 Medicinal roots,
 Phosphorus,
 Silk twists, for hats, boots and shoes,
 Steamboat and mill shafts and cranks forged in the rough,
 Steam Fire Engines, when imported by the Municipal Corporations of Cities, Towns or Villages, for the use of such Municipalities,
 Steel, wrought or cast, in bars, rods or sheets circular or oblong,
 Straw, Tuscan and grass fancy plaits,
 Tin, granulated or bar,
 Zinc or spelter in sheet,
 Acids of every description, except acetic acid and vinegar,
 Alum,
 Anatomical preparations,

Antimony,

Clothing—

Clothing—plain and military imported by Officers of the Army serving in Canada,

Coffee, Sugar, and Tea, when imported directly by or taken out of warehouse for H. M. Troops serving in Canada, under such restrictions and regulations as may be prescribed by the Minister of Finance,

Church Bells,

Communion Plate,

Coal and coke,

Clothing and arms for Indian Nations,

do do the Army and Military forces in the Province,

Commissariat and Ordnance Stores,

Cork wood or bark of the cork wood tree,

Cotton and flax waste,

Cotton wool,

Cotton candle wick,

Cotton netting and woollen netting for India Rubber Shoes,

Cream of tartar in crystals,

Diamonds and precious stones not set,

Donations of clothing, for gratuitous distribution by Charitable Societies,

Drain tiles for agricultural purposes,

Drawings, as works of art,

Earths, clays and sand,

Eggs,

Emery, glass and sand paper,

Essential oils of all kinds,

Farming utensils and implements, when specially imported for the encouragement of agriculture,

Felt hat bodies and hat felts,

Fibrilla Mexican fibre or Tampico white and black and other vegetable fibres for manufactures,

Firewood,

Fire brick and clay,

Fish, fresh,

Fishing nets and seines, hooks, lines and twines,

Flax, hemp and tow, undressed,

Furs and skins, pelts or tails, undressed,

Gems and medals,

Gold beaters' brim moulds and skins,

Gold and silver leaf, and for platers' use,

Grease and scraps,

Gravels,

Gypsum or Plaster of Paris, neither ground nor calcined,

Human hair—angola, goat, Thibet, horse, hog and mohair, unmanufactured,

Hay,

Hides, horns and pelts,

Hops,

Indigo,

Junk and oakum,

Kryolite,

Linen

Linen machine thread for Boots and Shoes,
 Locomotives, and passenger, baggage and freight cars, running upon any
 line of road crossing the frontier, so long as Canadian locomotives and
 cars are admitted free, under similar circumstances, in the United
 States,
 Manilla grass, sea grass and mosses for upholsterers' purposes,
 Manures,
 Maps and charts, imported not as merchandise but as the personal effects
 of persons arriving in Canada to become *bona fide* settlers in the
 Province,
 Marbles in blocks or slabs unpolished, and not specially shapen,
 Medicines for Hospitals,
 Menageries—horses, cattle, carriages and harnesses of,
 Military and naval stores,
 Models,
 Musical instruments for Military Bands,
 Nitre or saltpetre,
 Ochres, and metallic oxides, ground or unground, and washed or
 unwashed—dry, not calcined,
 Oil cake or linseed cake,
 Oils, cocoa nut, pine and palm in their crude, unrectified or natural state,
 Ores of all kinds of metals,
 Osiers and willow for basket makers' use,
 Philosophical instruments and apparatus, including globes, when specially
 imported for the use of Colleges and Scientific and Literary Societies,
 Pipe clay,
 Pig iron, pig lead and pig copper,
 Pitch and Tar,
 Printing ink and printing presses, except portable hand printing presses,
 Prunella,
 Rags,
 Red lead and white lead—dry,
 Resin and Rosin,
 Rice,
 Sal ammoniac, sal soda, soda ash, caustic soda and silicate of soda,
 Salt,
 Scrap Brass, and Scrap Iron,
 Seeds for agricultural, horticultural or manufacturing purposes only,
 Settlers' wearing apparel, and other personal effects, implements of husban-
 dry (not merchandise) in actual use of persons coming to settle in
 the Province,

The following articles when imported by ship-builders for ship-building
 purposes, viz :

- Ships Blocks and patent bushes for blocks,
- “ Binnacle Lamps,
- “ Bunting,
- “ Sail cloth or Canvass from No. 1 to No. 6,
- “ Compasses,
- “ Dead Eyes,
- “ Dead Lights,

Ships Deck Plugs,
 " Pumps and pump-gear,
 " Shackles,
 " Sheaves,
 " Signal Lamps,
 " Travelling Trucks

Yellow metal in bars or bolts and yellow metal sheathing,
 Steering apparatus,
 Composition spikes and nails,
 Sheathing copper and nails,
 Iron knees and riders,
 Wire-rigging,
 Cordage,
 Treenails and wedges,

Iron masts, or parts of iron masts,

Specimens of Natural History, Mineralogy or Botany,
 Slate,

Stone unwrought, and Lithographic Stone,

Stereotype Blocks for printing purposes,

Electrotype, do for do

Sulphur or brimstone in roll or flour,

Teasels,

Tin and zinc or spelter, in blocks or pigs,

Trees, plants and shrubs, bulbs and roots,

Tobacco unmanufactured,

Turpentine, other than spirits of turpentine,

Type metal in blocks or pigs,

Varnish, bright and black for ship builders,

Vegetables,

Veneering of wood or ivory,

Weaving or tram silk and weaving or tram cotton for making elastic
 webbing, and crinoline thread for covering crinoline wire,

Wheat,

Whiting or whitening,

Wood of all kinds, wholly unmanufactured,

Wool,

Zinc-white,

Coin and bullion,

Mill and factory machinery of all kinds,

The colors and articles following, when imported solely by Room
 Paper manufacturers and stainers for manufacturing purposes only, that
 is to say :

Lakes in pulp, scarlet and morone,

Ultra Marine and Chinese blue,

English Umber, raw,

Blue Black,

Paris and permanent Greens,

Satin and fine washed White,

Bichromate of Potash,

Sugar of Lead,

British gum,

Slotted Tapes, for the manufacture of Hoop Skirts,
Brass and tin clasps, slides, and spangles, for do.
Ratan for caning chairs,
Machine silk twist, and machine linen thread,
Nitrate of Soda,
Whale Oils, in their crude and natural state, not in any way rectified,
racked, pumped, bleached, or prepared,
Plank and Sawed Lumber of Mahogany, Rosewood, Walnut, Chesnut, and
Cherry.

SCHEDULE F.

Goods, free of Duty, from and after the passing of this Act.

The following goods when of the growth, and produce of any of the
British North American Provinces, viz :
Grain, Flour and Breadstuffs of all kinds,
Animals of all kinds,
Fresh, smoked and salted meats,
Seeds and vegetables,
Green and dried fruits,
Fish of all kinds,
Products of Fish and of all other creatures living in the water,
Poultry,
Butter, cheese,
Lard, Tallow,
Timber and Lumber of all kinds, round, hewed, sawed, but not otherwise
manufactured in whole or in part,
Fish oil,
Gypsum, ground or unground.

SCHEDULE G.

*Goods which may be made free of duty by proclamation or by order in
Council.*

Any other articles than those mentioned in Schedule F, being of the
growth and produce of the said British North American Provinces, that
may be specially exempted from customs duty by order of the Governor in
Council.

Any or all of the articles mentioned in Schedule F, when the growth
and produce of the United States of America, may be admitted into this
Province Free of Duty, upon proclamation by the Governor in Council,
whenever satisfactory arrangements shall be entered into with the United
States for the importation of similar articles from Canada into that country.

SCHEDULE

SCHEDULE H.

Table of Prohibitions.

The following articles shall be prohibited to be imported under a penalty of two hundred dollars together with the forfeiture of the parcel or package of goods in which the same may be found, viz :

Books, Drawings, Paintings and Prints, of an immoral or indecent character ;

Coin, base or counterfeit.

SCHEDULE I.

Export Duty.

Saw-Logs and Shingle bolts of pine or spruce exported out of Canada, except the same be exported directly to any of the British North American Provinces :

On every one thousand feet, board measure,	Pine.....	\$1 00
Do do do	Spruce.....	0 50

C A P . V I I .

An Act to amend the Acts respecting Duties of Excise, and to alter the Duty thereby imposed on Spirits.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient to alter the duties of Excise on Spirits distilled or manufactured within this province and otherwise to amend the Acts respecting duties of Excise : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

New duty imposed.

27, 28 V. c. 3.

1. In lieu and instead of the duty of Excise imposed on Spirits distilled or manufactured in this province, by the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and intituled : *An Act to amend and consolidate the Acts respecting duties of Excise and to impose certain new duties*, there shall be imposed, levied and collected on all spirits distilled or manufactured in this province a duty of Excise of sixty cents on every wine gallon of such spirits of the strength of proof by Sykes' Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any quantity less than a gallon ;

To commence from 27th June, 1866.

The said duty shall be held to have been imposed and to have been payable (instead of the duty imposed as aforesaid by the

the Act hereinbefore cited) on the twenty-seventh day of June, in the present year one thousand eight hundred and sixty-six, on all spirits distilled or manufactured or taken out of warehouse for consumption in this Province on or after the said day, and on all spirits on which the duty of excise had not been paid before the said day ; and as regards the said duty and the collection thereof or any penalty for the non-payment thereof, this Act shall be construed and have effect as if it had come into force on the said day ; provided that the Minister of Finance may direct that in any case or cases where the said duty shall have been paid on any spirits taken out of warehouse for consumption between the said day and the seventh day of July, in the present year, the difference between the said duty and the duty for which it is substituted may be returned to the party who has paid the increased duty hereby imposed.

Proviso as to goods taken out of warehouse before 7th July, 1866.

2. All the provisions of the Act herein first above cited and of the Act passed in the twenty-ninth year of Her Majesty's reign, and intitled : *An Act to amend the Act respecting duties of Excise*, and of this Act, shall apply to the duty hereby imposed, and to all matters connected with or relating to the said duty and the payment thereof, in like manner as to the duties imposed by the Act herein first above cited, subject only to the provisions hereinafter made.

Former acts to apply to duties imposed by this Act.

3. Notwithstanding anything to the contrary in the fourteenth section of the Act herein first above cited, a license to carry on the business or trade of a distiller may be granted to any party, provided such party has complied with the other requirements of the said Act, and has, jointly with not less than two and not more than six good and sufficient sureties, entered into a bond to Her Majesty, Her Heirs and Successors, in a sum equal to the amount at which the Collector of Inland Revenue or the Inspector of Excise, estimates the duties to be paid by the party to whom the license is granted, on the products of the distillery for which it is granted, worked to its full capacity, during two months of the time for which the license is to remain in force, the party obtaining the license being bound in the full amount of such estimate, and the sureties each severally for such amount as that the sums for which they are respectively bound shall together be equal to the amount of such estimate ; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency each for the sum for which he is bound, by affidavit to be made before him and indorsed upon the bond, and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is to be granted will become liable to render or pay under the Acts hereinbefore cited or either of them, or under this Act, and that such party will faithfully comply with all the requirements of the said Acts or of this Act, according to their

New provision as to bonds to be given by distillers in consequence of increased duty.

their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever; and such bond shall be kept by the Commissioner of Customs and Excise. .

Further provision as to such bonds.

4. Any bond to be hereafter entered into by a distiller, under the fourteenth section of the said Act herein first above cited shall be conditioned to the effect provided in the next preceding section; and all the provisions of the said Act, not inconsistent with this Act, shall apply as well to bonds entered into under this Act, as to those entered into under the said Act; and any bond now in force entered into by a distiller, since the passing of the Act herein secondly above cited, shall be held to be conditioned for the payment of all duties imposed by this Act, and for the observance of all the obligations of the party to whom it was granted, as well under the said Act, and this Act as under the Act herein first above cited.

Sections 88 and 91 of 27, 28 V. C. 3 amended.

5. The thirty-eighth section of the Act herein first above cited, is hereby amended by adding after the words "determine or direct and" at the end of the first paragraph thereof, the words "on or before the tenth day of July in each year."

And the sub-section numbered 2 of the ninety-first section of the said Act is hereby amended by inserting after the word "Excise" where it occurs the last time in the said sub-section, the words "or which may be used in the manufacture of goods subject to duties of Excise."

Sect. 9 of 29 V. C. 3 amended.

6. The ninth section of the Act herein secondly above cited is hereby amended by adding thereto the following sub-section:

Correction of distillers' returns.

"3. The Inspecting Officer of Excise having determined the strength of the Beer or Wash, by either of the methods above mentioned, may cause the returns of the distiller to be amended by assessing the duty payable by such distiller, according to the whole quantity of Beer or Wash fermented or manufactured by such distiller during any period not more than one year before the time when the strength of the Beer or Wash is so ascertained, in proportion to the strength so determined, and the quantity of spirits which could have been produced therefrom; and the extra duty so assessed beyond that mentioned in the returns to be so amended, shall be due and payable within five days after the distiller is notified thereof, under the same conditions and penalties to be enforced in the same manner as the duty mentioned in such returns."

Conditions on which only spirits may be removed.

7. From and after the passing of this Act, no spirits shall be removed from the distillery wherein they have been manufactured, nor from any warehouse in which they have been bonded or stored, until the duty on such spirits has been paid
or

or secured by bond in the manner by law required, nor until a permit for such removal has been granted in such form and by such authority as the Governor in Council may from time to time direct and determine ; and any spirits removed from such distillery or warehouse before the duty thereon has been so paid or secured, or before such permit has been granted, shall be seized and detained by any officer of Excise having a knowledge of the fact, and shall be and remain forfeited to the Crown.

Forfeiture for
illegal removal.

8. Any Officer of Excise, or Customs, or any Constable or Peace Officer, having general authority therefor from any superior Officer of Excise, may stop and detain any person or vehicle carrying packages of any kind containing spirits, and may examine such spirits and require the production of a permit authorizing the removal thereof, and if such permit is produced, the Officer shall endorse the time and place of examination thereon ; but if no such permit is produced, then such spirits, if the quantity thereof be greater than five gallons, may be detained, if such officer has cause to believe that they have been unlawfully removed, until evidence to his satisfaction be adduced that such spirits were being lawfully removed, and if such evidence be not adduced within thirty-days, the spirits so detained shall be forfeited to the Crown.

Power to
detain persons
removing spi-
rits unlawfully.

Forfeiture, if
no permit.

9. The Governor in Council may, in his discretion, authorize the manufacture in bond of such dutiable goods as he may from time to time see fit to designate, in the manufacture or production whereof spirits or other articles subject to duties of customs or excise are used, by persons licensed to that effect and subject to the provisions hereinafter made and to the Regulations to be made by the Governor in Council in that behalf ; and the goods so manufactured in bond shall, if taken out of bond for consumption in this Province, be subject to duties of excise equal to the duties of customs to which they would then be subject if imported from British or Foreign markets and entered for consumption in this Province.

Governor in
Council may
authorize the
manufacture of
dutiable goods
in bond.

Duty on such
goods.

10. Before any person shall be entitled to carry on any such manufacture in bond, he must apply for and obtain a license so to carry on the manufacture of some certain kind or kinds of goods, to be mentioned in the application and license, in some certain premises to be therein described, and such application shall be made to the Collector of Inland Revenue, in the form to be prescribed by the Minister of Finance and shall state the names of the parties proposed by the applicant as his sureties and such other particulars as the Minister of Finance shall think proper to require ; and such licence shall terminate on the thirtieth day of June next after it is granted, and the party obtaining it shall pay therefor, to the Collector of Inland Revenue, the sum of Fifty dollars before it is delivered to such party ; Provided that a Bonded Manufacturing License, if applied for at any time after the first day of January in any year,

License for
manufacturing
in bond.

Proviso.

year, may be granted for the remaining part of the half year ending on the thirtieth day of June then next, on payment of the sum of Twenty-five dollars to the Collector of Inland Revenue, the party applying having previously complied with all the other requirements of this Act.

Security to be given.

11. Every such license shall be known as a **Bonded Manufacturing License**, and no such license shall be granted to any party until he has, jointly and severally with good and sufficient sureties to the satisfaction of the Collector of Inland Revenue, entered into a bond to Her Majesty, Her Heirs and Successors, in the sum of four thousand dollars, and in a further sum equal to the amount at which the said Collector of Inland Revenue estimates the maximum amount of duties to be paid by such party during any two months of the time it is to remain in force ; and such bond shall be taken and the sureties shall justify their sufficiency in like manner as is provided with respect to the bonds to be given under the Act herein first above cited, and all the provisions of the said Act and of the Act secondly above cited, with respect to bonds to be entered into by persons licensed under either of them, shall, so far as they are applicable and not inconsistent with the provisions of this Act or of the Regulations to be made under it, apply to the bonds to be entered into under this Section, and to the enforcement thereof, and the conditions of the bond shall be similar to those of the bonds required under the said Acts, with such further conditions as may be required under this Act or by any such Regulations as aforesaid.

Form of bond : justification of sureties, &c.

Manufactory must have been inspected and approved.

12. Before any place shall be licensed as a **Bonded Manufactory** under this Act, the building and premises constituting such place must have been surveyed and approved by the proper officer of Excise, and all the requirements of the said Acts as hereby extended and of any order in Council in that behalf must have been complied with as respects such place.

Provisions of former Acts to extend to manufacture of goods in bond, and to the place where they are manufactured, &c.

13. Every person holding a bonded manufacturing license, and the premises for which such license is granted, shall be subject to the like provisions, restrictions, obligations, and penalties, as a person holding a license as a licensed distiller, and the premises for which his license is granted are subject to under the Acts hereinbefore cited ; and all the provisions of the said Acts for enforcing such restrictions, obligations and penalties, and with respect to the description and enumeration to be furnished of the premises for which the license is granted, and of the machinery and apparatus to be used, the notice to be given to the Collector of Inland Revenue of the intention to work at any time, the obligation to afford assistance to any officer of excise, the obligations consequent upon any intention to alter or add to the premises, machinery or apparatus,—the inscriptions over the entrance of places, premises or apartments subject

to excise, the books, accounts and papers to be kept by the person licensed, and his obligations with respect to the same, and the powers of the Minister of Finance, the collector of Inland Revenue, or of any Officer of Excise with respect to such books, accounts and papers, and to all accounts and books of the person licensed with respect to the business for carrying on which he is licensed, the mode of stating the quantities of any articles, in such books and accounts, the seizure of books, papers and accounts required by the said Acts in case of seizure of his premises, the times and forms of returns to be made by the person licensed, the particulars to be entered therein and the attestation thereof, and the payment of duties, the powers of the Officer of Excise to make further examination and to put further questions with reference to such returns and duties, the mode of calculating the duty payable on any goods subject to Excise, the warehousing of such goods, the powers of Officers of Excise generally, for entering into premises and examining machinery and apparatus, and for discovering concealed apparatus or utensils, and for taking samples of goods manufactured subject to excise, the power of the officers of Excise to provide and apply locks to any apartment or apparatus,—the obtaining of search warrants and assistance, the revocation of the license of any person obstructing any Officer of Excise in the execution of his duty, or for failure to pay duties or penalties when due,—the protection of Officers of Excise, the penalties for any violation or contravention of the said Acts, and the recovery thereof, the mode of dealing with perishable articles seized, the appropriation of penalties and forfeitures,—and generally all the provisions of the said Acts in so far as they can be applied, and subject always to the provisions of this Act and to those of any regulations to be made under it by the Governor in Council, shall extend and apply to persons licensed under this Act, and to the premises occupied or used by them, and the machinery and apparatus used in the manufacture for which licenses may be granted under this Act, as fully to all intents and purposes as to persons licensed under the said Acts and the premises occupied or used by them and the machinery and apparatus used by them.

14. Any person, duly licensed as aforesaid, may receive into the place for which his license is granted, as into a Bonded Warehouse, and without payment of the duty thereon, all such spirits, and other articles as are commonly used in the manufacture of the goods for which the license is granted, on a permit for that purpose to be granted by the Collector of Inland Revenue, in such form and on such bond being entered into and on such conditions as shall be prescribed in any regulation in that behalf, but no less quantity of such spirits or other article shall be so received at any one time than might be taken out of bond for consumption.

Dutiable articles used in such manufacture, may be received by persons so licensed as into a warehouse.

Payment of
duties on goods
manufactured
&c.

15. The goods so manufactured in bond, shall remain in the place for which the license was granted, in like manner and subject to the like restrictions and to the supervision of the officers of excise, as by law provided with respect to other goods manufactured in this Province and subject to Excise,—and the duty thereon shall be paid in like manner within five days of the close of every half month, unless such goods are then exported or warehoused as they may be in the manner provided with respect to other goods subject to excise.

Cancelling
bond for duti-
able articles
received, on
certain con-
ditions.

16. Whenever the Collector of Inland Revenue is satisfied that the quantity of goods manufactured in bond by any person licensed as aforesaid, and on which the duty has been paid or which have been warehoused or entered for exportation, is* such that the quantity of spirits or other article received by such person under any permit granted as aforesaid must have been consumed in the manufacture of such goods, then such Collector shall give a certificate thereof to such person, who shall thereby be discharged from any obligation to pay the duty on such spirits or article;—but if the spirits or other article for which any such permit has been given, remain in the place to which such permit relates longer than six months without such certificate being granted in respect thereof, then such person shall make an ex-warehouse entry, and pay the duty on so much of such spirits or article as shall not be certified to have been so consumed, and such duty shall be held to be a duty of excise and collected and accounted for as such.

Governor in
council to make
Regulations for
carrying out
this Act.

17. The Governor in Council may from time to time make such regulations as to him may seem necessary for carrying into effect and enforcing the provisions of this Act respecting the manufacture of goods in bond, or the warehousing of such goods when manufactured, and for declaring the true intent and meaning of such provisions in any case of doubt, and for declaring how far any of the provisions of the Acts hereinbefore cited shall be modified in their application to the manufacture of goods in bond and matters thereunto relating, or for substituting other provisions of the like nature in the place of any of them which cannot in his opinion conveniently be so applied; and may by such regulations require any bond or any oath or affirmation which he shall deem requisite for the purposes aforesaid, and may for breach of such regulations impose any penalty not exceeding five hundred dollars in any case, or the forfeiture of the goods or articles or things in respect of which they shall have been violated; And every such regulation may by the Governor in Council be repealed, amended or re-enacted, and all the provisions of the Acts hereinbefore cited, and of the Act respecting duties of Customs and the collection thereof, with respect to Regulations made under them respectively shall apply to Regulations to be made under this Act.

Regulations
may be repea-
led, amended,
&c.

18. All Regulations made by the Governor in Council under this Act, and published in the *Canada Gazette*, shall, after such publication, have the force of law, and any infraction, breach or violation of any such regulation, shall subject the holder of a bonded manufacturing license or any other person in the said Regulations mentioned, to such penalty or forfeiture as may by the said regulations be imposed for such offence, and the same shall be enforced in like manner as penalties and forfeitures imposed by the Acts herein before cited, or either of them.

Publication and
effect of Regu-
lations.

19. Goods manufactured in Bond under this Act, and the premises wherein the manufacture is carried on, shall be held to be "subject to Excise," within the meaning of the Acts hereinbefore cited and amended, and this Act shall be read and construed as forming one Act with the said Acts and as part of them, and all words and expressions in this Act shall have the same meaning as is assigned to them respectively in the said Acts, and the words "this Act" in either of the said Acts or in this Act, shall include the said Acts and this Act, unless there is something in the context inconsistent with this provision.

Interpretation
clause.

C A P . V I I I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending on the thirtieth of June, one thousand eight hundred and sixty-seven, and for other purposes connected with the Public Service.

[Assented to 15th August, 1866.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Excellency the Right Honorable Charles Stanley, Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province not otherwise provided for, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-seven, and other purposes connected with the public service : May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that :

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum not exceeding \$7,003,236 81 cts., appropriate-

ted for charges of Civil Government, &c., for 1866-7, out of Con. Rev. Fund.

exceeding in the whole seven millions three thousand two hundred and thirty-six dollars and eighty-one cents, for defraying the several charges and expenses of the Civil Government of this Province, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-seven, not otherwise provided for, and set forth in the Schedule to this Act, and for the other purposes therein mentioned.

\$62,000 out of U. C. Building Fund.

2. The sum of sixty-two thousand dollars appropriated by the said Schedule to this Act, for the Toronto Lunatic Asylum, and the new Gaols in the Counties of Lincoln and Frontenac, shall and may be paid and applied out of the Upper Canada Building Fund, for the purposes mentioned in the said Schedule :

\$19,700 out of L. C. Building and Jury Fund.

The sum of nineteen thousand seven hundred dollars appropriated by the said Schedule for certain Gaols in Lower Canada, shall and may be paid and applied out of the Lower Canada Building and Jury Fund, for the purposes mentioned in the said Schedule ;

\$18,000 out of L. C. Municipalities Fund.

The sum of eighteen thousand dollars appropriated by the said Schedule to pay the balance on allowance to County Court Houses, shall and may be paid and applied out of the Lower Canada Municipalities Fund, for the purposes mentioned in the said Schedule ; and

\$9,350 out of Normal School Fund L. C.

The sum of nine thousand three hundred and fifty dollars, appropriated by the said Schedule, for the Government House at Montreal and the McGill Normal School, shall and may be paid and applied out of the Normal School Building Fund, for the purposes mentioned in the said Schedule.

Accounts to be laid before Parliament.

3. Accounts in detail of the moneys expended under the authority of this Act shall be laid before both Houses of the Legislature of this Province at the then next session thereof.

Account to Her Majesty.

4. The due application of all moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

SCHEDULE.

Sums granted to Her Majesty by this Act and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
CIVIL GOVERNMENT.		
Governor General's Secretary's Office.....	1,996 00	
Provincial Secretary's Office.....	12,266 64	
Provincial Registrar's Office.....	4,085 00	
Receiver General's Office.....	12,310 00	
Department of the Minister of Finance... \$13,103 33		
Do Customs Branch... 15,070 00		
Do Audit Branch..... 10,870 00		
	39,043 83	
Executive Council Office.....	8,950 00	
Department of Public Works..... \$13,677 50		
Do Engineer's Branch..... 7,332 50		
	21,010 00	
Bureau of Agriculture.....	20,985 00	
Post Office Department.....	25,540 00	
Crown Lands Department..... \$54,419 33		
Do Indian Management Branch. 6,930 00		
	61,349 33	
Crown Law Department, East..... 4,523 20		
Do West..... \$2,410 00		
Do do supplementary. 400 00		
	2,810 00	
Promotions and arrears under Civil Service Act, in the several Departments.....	22,000 00	
Contingencies, outstanding from 1865-6.. \$20,000 00		
For 1866-7. 80,000 00		
	100,000 00	
		336,868 50
ADMINISTRATION OF JUSTICE, C. E.		
To meet Salaries and Contingent Expenses, not otherwise provided for.....		207,900 00
ADMINISTRATION OF JUSTICE, C. W.		
To meet Salaries and Contingent Expenses, not otherwise provided for.....		47,520 00
POLICE.		
Expenses of the River Police, Quebec....	19,180 00	
Do Montreal, (whereof \$3,700 to be repaid by Harbour Commissioners).....	18,586 00	37,766 00
Carried over.....		\$630,054 50

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		630,054 50
PENITENTIARY, REFORMATORIES AND PRISON INSPECTION.		
<i>Provincial Penitentiary—</i>		
Maintenance—against which there will be revenue estimated at \$40,000 00.....	\$106,330 00	
Building Materials	6,200 00	
	112,530 00	
<i>Rockwood Asylum:—</i>		
Rockwood Buildings.....	\$ 7,850 00	
Maintenance.....	28,800 00	
Fixtures, furniture, &c.....	5,000 00	
Outstanding from 1865-6.	6,600 00	
	48,250 00	
<i>Reformatory Prison, C. W.—</i>		
Maintenance	\$22,680 00	
To complete main Building	6,400 00	
Wing B for current year	8,000 00	
Outstanding from 1865-6	3,000 00	
	40,080 00	
<i>Reformatory Prison, C. E.—</i>		
Maintenance	\$23,815 00	
Extension of Prison wall, &c	4,740 00	
	28,555 00	
<i>Prison and Asylum Inspection</i>	12,000 00	
		241,415 00
LEGISLATION.		
<i>Legislative Council—</i>		
Salaries and Contingent Expenses	96,580 00	
<i>Legislative Assembly:—</i>		
Salaries and Contingent Expenses....	\$148,440 00	
Supplementary appropriation towards Contingencies	10,000 00	
Printing of General Index to Journals of Legislative Assembly.....	6,000 00	
	164,440 00	
<i>Miscellaneous.</i>		
Printing and Binding the laws.	\$20,000 00	
Printing and Binding the Civil Code and Code of Procedure for L. C....	10,000 00	
Distributing the Laws and the Codes	4,009 00	
Grant to Parliamentary Library	4,000 00	
Salary of Clerk of the Crown in Chancery	1,280 00	
<i>Carried over</i>	\$39,280 00	
	261,020 00	
		871,469 50

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>....\$39,280 00	261,020 00	871,469 50
LEGISLATION.— Continued.		
Contingencies of Clerk of the Crown in Chancery..... 600 00		
Balance due for printing debates on Confederation 210 00		
	40,090 00	301,110 00
EDUCATION.		
Additional sum for Common Schools, Upper and Lower Canada, (\$6,000 out of the Lower Canada Share to be applied to Normal Schools).....	160,000 00	
Aid to Superior Education Income Fund		
Lower Canada..... \$25,000 00		
Do Upper Canada.. 25,000 00		
	50,000 00	
U. C. aid, to be distributed as follows :—		
Victoria College, Cobourg.... \$5,000 00		
Queen's College, Kingston... 5,000 00		
Regiopolis College, Kingston. 3,000 00		
St. Michael's College, Toronto. 2,000 00		
Trinity, do 4,000 00		
Bytown College, Ottawa..... 1,400 00		
L'Assomption Col., Sandwich. 1,000 00		
Grammar School Fund, U. C.. 3,600 00		
	\$25,000 00	
Additional sum for Common Schools, Upper and Lower Canada, the proportion for Upper Canada to be applicable to Grammar Schools.....	32,000 00	
Advance to Superior Education Fund, to meet the de- ficit of Income.....	30,000 00	
Salaries and Contingencies of Dept. of Education, L. C.	20,085 00	
Do U. C.	14,700 00	
		306,785 00
LITERARY AND SCIENTIFIC INSTITUTIONS.		
Observatory, Quebec, to defray Expenses.....	2,400 00	
Do Toronto, do	4,800 00	
<i>Carried over</i>	7,200 00	1,479,364 50

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	7,200 00	1,479,364 50
LITERARY AND SCIENTIFIC INSTITUTIONS.—Con.		
Observatory, Kingston, to defray expenses	500 00	
Do Isle Jésus, do	500 00	
Aid to Medical Faculty, McGill College, Montreal	750 00	
Do Victoria College, Cobourg	750 00	
Do School of Medecine, Montreal	750 00	
Do Toronto	750 00	
Do Kingston	750 00	
Do Canadian Institute, Toronto	750 00	
Do Natural History Society, Montreal	750 00	
Do Literary and Historical Society, Quebec	750 00	
Do Canadian Institute, Ottawa.	300 00	
Do Athenæum, do	300 00	
		14,800 00
HOSPITALS AND CHARITIES.		
Provincial Lunatic Asylum, Toronto, maintenance	69,000 00	
Orillia Lunatic Asylum, maintenance.... \$16,000 00		
To purchase a Melodeon	80 00	
	16,080 00	
Malden Lunatic Asylum, maintenance... \$31,325 00		
Stone for breakwater	650 00	
Draining garden	400 00	
Sanitary measures in case of cholera	1,000 00	
	33,375 00	
St. John's Lunatic Asylum, maintenance	16,800 00	
Marine and Emigrant Hospital, Quebec, maintenance	\$22,588 00	
In case of Cholera	3,000 00	
	25,588 00	
Shipwrecked Mariners	600 00	
Beauport Asylum	94,350 00	
Aid to Toronto Hospital, Toronto. \$6,400 00		
Do do for County Patients, Toronto.	4 800 00	
Do Toronto House of Industry, do	2,400 00	
Do Protestant Orphans' Home and Female Aid Society, Toronto.	640 00	
Do Magdalen Asylum, Toronto	480 00	
Do Roman Catholic Orphan Asylum, Toronto	640 00	
Do Lying-in Hospital, Toronto.	480 00	
Do Girls Home and Public Nursery, Toronto	320 00	
<i>Carried over</i>	\$16,160 00	
	255,793 00	1,494,164 50

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> ...\$16,160 00	255,793 00	1,494,164 50
HOSPITALS AND CHARITIES.—Continued.		
Aid to House of Providence, Toronto....	320 00	
Do Deaf and Dumb Institution for U. C., Toronto.....	3,000 00	
Do Indigent Sick, Quebec.....	3,200 00	
Do Hospice de la Maternité, Quebec.....	480 00	
Do Charitable Ladies Associations of the Roman Catholic Orphan Asylum Quebec.....	480 00	
Do Asylum of the Good Shepherd Quebec.....	640 00	
Do Managers of the Protestant Female Orphan Asylum Quebec.....	320 00	
Do Finlay Asylum, Quebec ..	320 00	
Do Male Orphan Asylum, Quebec....	320 00	
Do St. Bridget's Asylum, Quebec.....	320 00	
Do Ladies Protestant Home, Quebec..	320 00	
Do Canada Military Asylum for Wi- dows and Orphans, Quebec....	160 00	
Do Indigent Sick, Montreal.....	3,200 00	
Do General Hospital des Sœurs de la Charité, Montreal.....	800 00	
Do Corporation of the General Hospi- tal, Montreal.....	4,000 00	
Do St. Patrick's Hospital, Montreal...	1,600 00	
Do Sœurs de la Providence, Montreal.	1,120 00	
Do Bonaventure Street Asylum, Mont- real.....	430 00	
Do Nazareth Asylum for the Blind, and for Destitute Children, Mont- real.....	430 00	
Do St. Patrick's Roman Catholic Or- phan Asylum, Montreal.....	640 00	
Do Protestant Orphan Asylum, Mont- real.....	640 00	
Do House of Refuge, Montreal.....	480 00	
Do Ladies Benevolent Society for Wi- dows and Orphans, Montreal..	320 00	
Do University Lying in Hospital, Mont- real.....	480 00	
Do Lying in Hospital under care of Sœurs de la Miséricorde, Mont- real.....	480 00	
Do Deaf and Dumb Institution, Mont- real.....	3,000 00	
<i>Carried over</i>.....\$43,660 00	255,793 00	1,494,164 50

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	\$43,660 00	255,793 00
HOSPITALS AND CHARITIES.—Continued.		1,494,164 50
Aid to Roman Catholic Orphan Asylum, Montreal.....	320 00	
Do Magdalen Asylum (Ladies of Bon Pasteur) Montreal.....	320 00	
Do Montreal Dispensary, Montreal...	320 00	
Do Montreal Home and School of In- dustry, Montreal.....	320 00	
Do St. Vincent de Paul Asylum, Montreal.....	430 00	
Do Kingston General Hospital, Kings- ton.....	4,800 00	
Do House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
Do Hotel-Dieu Hospital, Kingston ...	800 00	
Do Orphans' Home, Kingston.....	640 00	
Do Hamilton Hospital, Hamilton. ...	4,800 00	
Do Orphan Asylum and Ladies Bene- volent Society, Hamilton....	640 00	
Do Roman Catholic Asylum, Hamilton.	640 00	
Do Indigent Sick, Three-Rivers.....	2,240 00	
Do London Hospital, London.....	2,400 00	
Do Protestant Hospital, Ottawa.....	1,200 00	
Do Roman Catholic Hospital, Ottawa..	1,200 00	
Do St. Hyacinthe Hospital, St. Hya- cinthe	320 00	
Do General Hospital, District of Ri- chelieu, Sorel.....	320 00	
	67,770 00	323,563 00
GEOLOGICAL SURVEY.		
Appropriation for.....	20,000 00	
Geological Report—French Translation..	\$3,270 65	
Maps	1,800 00	
	5,070 65	
ARTS, AGRICULTURE AND STATISTICS.		25,070 65
Aid to Board of Arts and Manufactures, Upper and Lower Canada, at \$2000 each.....	4,000 00	
Printing &c., Specifications and Drawings of Patents	3,000 00	
Paris Exhibition of 1867	50,000 00	
Importation of Riga flax seed	6,000 00	
		63,000 00
AGRICULTURAL SOCIETIES.		
Aid to Boards of Agriculture, Upper and Lower- Canada, at \$4000 each.....		8,000 00
<i>Carried over</i>		1,913,798 15

SCHEDULE.—Continued.

SERVICE	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		1,913,798 15
IMMIGRATION AND QUARANTINE.		
Salaries and Contingent Expenses of the Emigration Department and for maintenance of the Qua- rantine Establishment at Grosse Isle.....		62,400 00
PENSIONS.		
Samuel Waller, as late Clerk of Committees to the Legislative Assembly, Lower Canada.....	400 00	
John Bright as late Messenger to do	80 00	
Louis Gagné, do. do.	72 00	
G. B. Faribault, as late Clerk Assistant Legislative Assembly.....	1,600, 00	
Mrs. Catherine Antrobus.....	800 00	
Mrs. Charlotte McCormick	400 00	
Pierre Bouchard, for wounds received in the Public Service.....	100 00	
Jacques Brien, for wounds received in the Public Service.....	80 00	
		3,532 00
INDIAN ANNUITIES.		
New Indian Annuities.....	4,400 00	
Lower Canada Indians.....	400 00	
		4,800 00
PUBLIC WORKS AND BUILDINGS.		
<i>Canals.</i>		
To meet damages caused by the construction of the Beauharnois Canal	4,000 00	
<i>Harbors, Piers and Rivers.</i>		
For repairs to Piers below Quebec	\$2,000 00	
For the removal of Piers lying in the St. Lawrence opposite Ste. Anne de la Pérade.....	1,000 00	
	3,000 00	
<i>Carried over</i>	7,000 00	1,984,530 15

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	7,000	00	1,984,530	15
PUBLIC WORKS AND BUILDINGS.—Continued.				
<i>Light Houses.</i>				
For the construction of Light Houses	7,000	00		
<i>Slides and Booms.</i>				
For works connected with the descent of timber on the Ottawa and its tributaries	22,500	00		
<i>Public Buildings.</i>				
Towards the completion of the Par- liament and Departmental buildings at Ottawa	\$500,030	00		
For the residence of His Excellency the Governor General at Ottawa....	25,000	00		
Towards the completion of the Reforma- tory Prison at St. Vincent de Paul ...	56,000	00		
For the Marine Hospital, Quebec.	6,000	00		
For Prison on Manitoulin Island.....	5,000	00		
	592,000	00		
<i>Miscellaneous.</i>				
Arbitrations and awards	\$10,000	00		
Surveys and Inspections	5,000	00		
	15,000	00		
<i>Supplementary.</i>				
For preparation of Parliament House and Lieutenant- Governor's residence at Toronto, chargeable against Upper Canada	\$50,000	00		
For the erection of a dwelling for Governor's Secretary near Rideau Hall	4,000	00		
Supply of water to Rideau Canal	4,000	00		
Bridge over Rideau Canal at the narrows..	1,000	00		
	59,000	00		
<i>Rents Insurances and Repairs of Public Buildings</i>			702,500	00
			40,000	00
ROADS AND BRIDGES.				
Colonisation Roads of Upper Canada	\$50,000	00		
Do Lower Canada.	50,000	00		
	100,000	00		
<i>Carried over</i>	100,000	00	2,727,030	15

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	100,000 00	2,727,830 15
ROADS AND BRIDGES.—Continued.		
For completion of the Matapedia Military Road.	9,000 00	
For Monck Military Road	10,000 00	119,000 00
OCEAN AND RIVER STEAM SERVICE.		
Tug service between Montreal and Kingston	12,500 00	
Provincial Steamers	75,000 00	87,500 00
LIGHT HOUSES AND COAST SERVICE.*		
Trinity House, Quebec	45,536 00	
Trinity House, Montreal	\$25,770 00	
Arrears from 1865-6.....	1,949 00	
	27,719 00	
Inland Lake and River Lights.....	40,000 00	
Allowance to Pierre Brochu for residing at Lake Matapedia, on the Kempt Road, to assist travellers thereon.....	\$100 00	
Do to Marcel Brochu, do at Petit Lac, do.	100 00	
Do to Jonathan Noble, do at LaFourche, do	100 00	
Do to T. Evans, do at Assametquagan, do	100 00	
	400 00	
Proportion of Expense of maintenance of Light Houses on Islands of St. Paul and Scatterie	2,500 00	
Towards the construction of a Light House on East Point of Prince Edward' Island.....	1,500 00	117,655 00
CULLING TIMBER.		
Salaries and contingent expenses of the Supervisor of Cullers' Offices at Quebec and Montreal		75,000 00
FISHERIES.		
Upper and Lower Canada, including Bounties.....	25,000 00	
Additional	5,000 00	30,000 00
RAILWAY AND STEAMBOAT INSPECTION.		
Railways.....	4,000 00	
Steamboats	6,500 00	10,500 00
MISCELLANEOUS.		
To supply blankets to aged and destitute Indians of Upper and Lower Canada.....	\$1,100 00	
Miscellaneous Printing.....	5,000 00	
<i>Carried over</i>	\$6,100 00	3,166,685 15

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	\$6,100 00	3,166,685 15
MISCELLANEOUS.—Continued.		
Advertisements and subscriptions, Canada Gazette	6,500 00	
Postage of do	1,200 00	
Shipping Masters Office	1,200 00	
Unforeseen Expenses	60,000 00	
Seigniorial Indemnity to Townships	40,000 00	
To pay Wm. Head in remission of penalty and costs incurred by forfeiture of his recognizance to appear as a witness at the Court of Queen's Bench, Montreal, in 1865	142 00	
Disinfectants	1,000 00	
Detective and Secret Service	100,000 00	
	216,142 00	
<i>Supplementary—</i>		
Compensation for damages by Fenians, U. C.	\$ 6,939 18	
Do do L. C.	15,463.83	
	22,403 01	
To pay for transport of Troops from Bic to Quebec, in 1862	414 00	
Arrears of Indemnity to Townships in Lower Canada, payable one half 1st April, 1867, remainder 1st April, 1868.	191,901 40	
To procure a Bust of Sir E. P. Taché, for the Parliament House	500 00	
	215,218 41	
		431,360 41
COLLECTION AND MANAGEMENT OF REVENUE.		
Customs (exclusive of Duties Refunded)	330,000 00	
Excise	120,000 00	
Post Office—ordinary Expenditure for the year	\$321,000 00	
Railway and Steam Service	274,000 00	
	595,000 00	
Territorial—Surveys Upper and Lower Canada at \$14,000 00 each	28,000 00	
Miscellaneous expenditure	110,000 00	
Canadian Land and Emigration Co., (whereof \$5,177 88 has been expended in 1866.)	18,106 25	
	156,106 25	
<i>Carried over</i>	1,201,106 25	3,598,045 56

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	1,201,106 25	3,598,045 56
COLLECTION AND MANAGEMENT OF REVENUE.—Continued.		
Stamps.....	5,000 00	
Fines and Forfeitures.....	7,000 00	
Public Works—Maintenance.....	\$125,000 00	
Repairs.....	125,000 00	
Collection and miscella- neous.....	45,000 00	
	295,000 00	1,508,106 25
MILITIA.		
<i>Departmental Salaries</i>		
Adjutant General.....	\$3,000 00	
Deputy do L. C.....	2,240 00	
Do do U. C.....	2,240 00	
2 Assistant Adj. Genl. U. C.....	3,200 00	
2 do do do L. C.....	3,200 00	
2 Deputy Asst. Adj. Genl. U. C.....	2,400 00	
2 do do do do L. C.....	2,400 00	
Superintendent Military Schools...	1,200 00	
Military Surveyor.....	1,200 00	
Provincial Aide-de-Camp.....	1,840 00	
Chief Clerk and Accountant.....	2,000 00	
Senior Clerk.....	1,400 00	
Superintendent of Stores.....	1,400 00	
Clerks—3 at \$1,200.....	3,600 00	
1.....	1,100 00	
1.....	900 00	
1.....	800 00	
1.....	660 00	
2 at \$600.....	1,200 00	
Messengers.....	500 00	
1 do.....	400 00	
	36,880 00	
<i>Contingent Expenses</i> —For Stationery, Printing, Inspect- ing and repairing of Arms, Transport of all Govern- ment Stores, and all other incidental expenses of the Militia.....	56,000 00	
<i>Compensation for accidents or injuries on drill</i>	2,000 00	
<i>Ball and Blank Ammunitions</i>	80,000 00	
<i>Military Schools</i>	100,000 00	
<i>Public Amouries</i> —		
2 Storekeepers at \$600 and 7 Storekeepers at \$300 each.....	\$3,800 00	
<i>Carried over</i>	224,880 00	5,106,151 81

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	224,880 00	5,106,151 81
MILITIA.—Continued.		
Rent of Armouries and Public Buildings, care of Arms, pay of Serjeant Majors of Field Batteries, caretakers and Storemen of Armouries, including Fuel and Light for the Several Buildings.....	46,709 00	
	50,000 00	
<i>Miscellaneous—</i>		
Clothing and Equipment of Force and Great Coats.....	\$281,000 00	
16 Brigade Majors, Horse allowances and Travelling expenses.....	19,000 00	
Efficient Volunteer Corps under sect. 16 of the Volunteer Militia Act.....	5,000 00	
Drill Sheds, Armouries, and Rifle Ranges Amount due Imperial Government for Stores.....	110,000 00 45,000 00	
Rent of an office for Brigade Major Mac- pherson at Montreal, from November, 1862 to 31st December, 1864, at \$200 per annum.....	420 00	
Arrears of Drill Shed Rent due Captain McMaster, at Toronto.....	400 00	
Buildings for Magazines of Arms and Mili- tary Stores at London, Toronto and Kingston.....	20,000 00	
Compensation to Pensioners in lieu of land.....	10,000 00	
For general Militia Service.....	784,300 00	
	1,225,120 00	
<i>Supplementary—</i>		
For the purchase and maintenance of Gun Boats on the Lakes and River St. Lawrence	134,060 00	
Barrack accommodation	8,000 00	
Gratuity to Brigade Majors for current year, \$200 each when not otherwise employed	4,000 00	
Purchase of improved Fire Arms.....	250,000 00	
Expense of billeting and transport of Chicago Volunteers.....	1,025 00	
	397,085 00	
		1,897,085 00
Total out of Consolidated Revenue Fund....	.....	7,003,236 81

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
TO BE TAKEN FROM SPECIAL FUNDS.				
From Upper Canada Building Fund :—				
Towards the enlargement of the				
Toronto Lunatic Asylum	\$50,000	00		
Towards New Gaol Co. of Lincoln	6,000	00		
Do Frontenac	6,000	00		
			62,000	00
From Lower Canada Building and Jury Funds :—				
Towards the construction of the				
Quebec Jail	\$10,000	00		
Towards the construction of St. Francis District Jail	5,000	00		
For the Court House & Jail at Magdalen Islands	3,200	00		
For the St. Scholastique Court House and Jail	1,500	00		
			19,700	00
From Lower Canada Municipalities Fund :—				
To pay the balance due on allowance to County Court Houses			18,000	00
From Normal School Building Fund :—				
For the Govt., House, Montreal	8,000	00		
For additions and repairs to McGill Normal School	1,350	00		
			9,350	00
Total out of Special Funds				109,050 00

CAP. IX.

An Act for indemnifying the Members of the Executive Government, and others, for the unavoidable departure from the provisions of the Audit Act, occasioned by the necessity of maintaining a large Militia Force on active duty on the Frontier, in the years 1865 and 1866.

[Assented to 15th August, 1866.]

WHEREAS it appears that in consequence of the necessity of maintaining a large Militia Force on active duty on the Frontier, in the years one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-six, it became indispensably necessary that the Executive Government of this Province, should authorize the advance and expenditure

Preamble.

expenditure out of the Consolidated Revenue Fund of the sum of seven hundred and seven thousand three hundred and thirty-nine dollars and forty-nine cents, not provided for in the Supply Bill of the now last session, and should apply the sum of thirty thousand dollars, out of the sum appropriated by that Act for Militia clothing, towards the expenses of the Frontier service, and should authorize the redistribution of the aggregate sum appropriated by the said Act for all branches of Militia expenditure, so as to meet the actual requirements of the service, thus unavoidably departing from the provisions of the eighth section of the *Act to amend the law respecting the Public Accounts and the Board of Audit*;—and whereas full detailed accounts of the sums so advanced, redistributed and expended, up to the eighth day of June, one thousand eight hundred and sixty-six, inclusive, were laid before the Provincial Parliament immediately after the opening of the present session, with copies of orders in Council of the tenth day of April and second day of June, one thousand eight hundred and sixty-six, under which the said advances, redistribution and expenditure were made, and copies of the reports of the Auditor, and of the Minister of Militia, on which the said orders in Council were based, and of the special warrants signed by His Excellency the Governor General, in pursuance of the same; and whereas it is expedient under the circumstances above mentioned, to indemnify the several officers and persons concerned in advising and giving effect to the said orders in Council, and to provide for the case of further advances and expenditure becoming necessary for like purposes before the same can be voted and granted by Parliament: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

All parties concerned in the said departure from the Audit Act indemnified.

Expenditure to be held lawful if covered by supply Bill.

1. The Members of the Executive Council of this Province, the Auditor and all officers and persons concerned in advising or in carrying out the orders in Council referred to in the preamble to this Act, or in advancing or expending the sums of money therein mentioned, in pursuance of the said orders in Council, and of the redistribution of the appropriation for the Militia Service as aforesaid, shall be and are hereby indemnified and exonerated from all liability therefor, and the said redistribution shall be held lawful and valid; and the sums already expended up to the eighth day of June as aforesaid, and any further sums which it may have been or may be necessary to advance or expend for like purposes, and under like reports and orders in Council, between the day last mentioned, and the passing of the Supply Bill in the present session, shall be held to have been lawfully advanced and expended, provided they be covered and made good by appropriations for that purpose in the said Bill.

C A P . X .

An Act to provide for the issue of Provincial Notes.

[Assented to 15th August, 1866.]

WHEREAS it is expedient to provide for the issue of Provincial Notes : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Governor in Council may authorize the issue of Provincial Notes, payable on demand, of such denominational values and in such form, and signed by such persons and in such manner by lithograph printing or otherwise, as he may, from time to time, direct, to an amount not exceeding in the whole five millions of dollars, except as hereinafter provided ; such Notes shall be redeemable in specie, on presentation at offices to be established at Montreal and Toronto, and at that one of the said places at which they may be respectively made payable, and shall be a legal tender except at the offices aforesaid

Governor in Council may authorize issue of \$5,000,000 in Provincial Notes.

How and where redeemable.

Legal tender, except &c.

2. The Governor in Council may enter into arrangements with all or any of the Chartered Banks of this Province for the surrender, on or before the first day of January, one thousand eight hundred and sixty-eight, of their power to issue notes ;—and in compensation for such surrender, an annual sum not exceeding five per cent upon the amount of its circulation as established by the monthly return upon the thirtieth day of April, one thousand eight hundred and sixty-six, shall be payable by the Province to each Bank so surrendering its power of issue and redeeming its notes in circulation, until the expiration of its charter ; and the Receiver General shall receive the Provincial Debentures now held by such Banks in compliance with the requirements of their respective charters, in exchange for Provincial Notes ; and shall also pay to such Banks one half the estimated cost of their unissued notes.

May arrange with Banks for Surrender of power to issue notes.

Compensation to Banks surrendering.

3. In entering into any such arrangement as aforesaid with any Bank, the Governor in Council may provide either for the immediate or the gradual surrender of its power to issue notes, such gradual surrender not extending over a period of more than twelve months ; but in such case the exchange of Provincial Notes for Provincial Debentures held by the Bank under the requirements of its charter, shall be made only in equal proportion to the amount of its notes actually redeemed and withdrawn from circulation, as shewn by the monthly returns.

Surrender may be gradual.

Provision in such case.

4. From the date of any such arrangement with any Bank, it shall no longer be bound to hold any Provincial Debentures, as now required by law.

Bank need not hold Debentures.

Banks relieved from penalties for usury.

Proviso.

5. No Bank shall, after the passing of this Act, be liable to any penalty or forfeiture for usury under the ninth section of chapter fifty-eight of the Consolidated Statutes of Canada, intituled : *An Act respecting Interest* ; but the amount of interest or commission which such Bank can receive shall remain as limited by the said chapter.

Weekly return by Banks surrendering : computation of compensation.

6. Every Bank so surrendering its power to issue notes shall make a weekly return to the Auditor of its notes redeemed and withdrawn from circulation, and of those still outstanding, and the compensation hereinbefore authorized shall be paid to it half yearly in proportion to the amount so redeemed and withdrawn computed on the average of the weekly returns for the half year, until the amount redeemed is equal to nine-tenths of its circulation on the thirtieth day of April, one thousand eight hundred and sixty-six, when it shall be entitled to compensation on the full amount thereof.

Powers of Governor in Council, in making such arrangements.

7. The powers of the Governor in Council in making an arrangement with any Bank for the surrender of its power to issue notes, shall extend to any provisions which may be deemed expedient respecting the redemption of the notes of such Bank, or the right of reissuing any such notes during the period agreed upon for the gradual redemption thereof, and generally to all provisions which the Governor in Council may deem expedient to the convenient working of this Act, and not inconsistent with the enactments contained in it ; and any Order in Council for giving effect to such provisions shall have the force of law.

Banks may resume power to issue on certain conditions.

8. Any Bank which may have surrendered its power to issue notes, may resume such power after giving at least three months notice in writing to the Receiver General, and publishing such notice during the like period in the *Official Gazette* ; but such Bank shall, from the expiration of such notice, cease to receive compensation on its notes withdrawn from circulation, and shall pay back to the Receiver General any sum it has received from him in Provincial notes in exchange for Provincial Debentures ; such Debentures shall then be redelivered to the Bank, which shall be bound to hold the amount of Provincial Debentures required by its charter, before it shall resume the issue of notes.

Certain claims not lost by surrender.

9. No Bank surrendering its power to issue notes shall thereby be deprived of its claim to any privilege or power which shall be granted to other Banks on the renewal of their charters, in one thousand eight hundred and seventy.

Further amount of Provincial notes.

10. The Governor in Council may, from time to time, and over and above the five millions hereinbefore mentioned, authorize the issue of such amounts of Provincial Notes as it may

may be necessary to give in exchange for the Provincial Debentures held under the requirements of their charters, by Banks surrendering their power to issue notes, and such further amount as may be required and paid for by the chartered Banks of this Province or any of them; provided the total amount does not exceed eight million dollars. Total limited.

11. The Governor may in his discretion establish branches of the Receiver General's department in Montreal and Toronto respectively for the issue and redemption of Provincial notes, or he may make arrangements with any chartered Bank or Banks, for the issue and redemption thereof, and may for such service allow a commission not exceeding one quarter of one per cent. for every three months, upon the average amount of notes in circulation during that period. Offices for redemption of Provincial notes.

12. The sum to be held in specie by the Receiver General for the redemption of Provincial notes, shall be twenty per cent. upon the amount thereof in circulation, so long as such amount does not exceed five millions of dollars; for any excess over five millions, such excess not being more than five millions, twenty-five per cent. of such excess shall be so held; and Provincial Debentures shall be issued and shall be held by the Receiver General, to the full amount by which the specie held as aforesaid fails to cover the whole amount of Provincial notes outstanding at any time; such debentures being so held for securing the redemption of the Provincial notes, and the Receiver General having full power to dispose of them, either temporarily or absolutely, for raising funds for that purpose or for procuring the amounts of specie to be held by him under the provisions of this section. Amount of specie to be held for such redemption.

Provincial Debentures to be held for the balance.

13. The Governor in Council shall, from time to time, appoint six Commissioners, three for Upper Canada, and three for Lower Canada, with such remuneration as he shall determine, whose duty it shall be to examine on the first Wednesday of every month into the number of Provincial notes then issued and outstanding at the Branch Departments of the Receiver General, or the offices of the Banks issuing the same, at Montreal and Toronto respectively, and also into the amount of specie and debentures then held at Montreal and Toronto respectively for the redemption of such notes; and upon such examination, the said Commissioners for Upper and Lower Canada respectively, or any two of them, shall return the result of such examination under oath to the Auditor, who shall publish such return in the next number of the *Official Gazette*; and such oath shall be in the following form, and if wilfully false shall subject the person taking the same to all the pains and penalties of the crime of perjury: Commissioners for examining and reporting on amounts of Provincial notes, specie and debentures.

Report on oath.

"We, A. B. &c., Commissioners for (Upper Canada or Lower Canada, as the case may be) make oath and say, that on the _____ day Form.

" day of A. D., 18 , the Provincial notes outstanding and
 " in circulation from (Toronto or Montreal, as the case may be)
 " amounted to dollars, and the Specie and Provincial
 " debentures then held for the redemption of such notes at (To-
 " ronto or Montreal, as the case may be) amounted to
 " dollars in specie and dollars in debentures."

Proceeds of
 notes.

14. The proceeds of the said Provincial notes shall form part of the Consolidated Revenue Fund of this Province, and the expenses lawfully incurred under this Act shall be paid out of the said Fund.

Notes of Banks
 surrendering
 may be used
 until Provin-
 cial Notes are
 ready.

15. And inasmuch as some time must elapse before Provincial notes specially engraved and prepared for the purposes of this Act, can be ready for use,—therefore the Governor in Council may authorize the notes of any Bank or Banks which may have surrendered its or their power to issue notes to be used as such Provincial notes, until a sufficient number of new notes shall be prepared and ready for use; the Bank notes so used as Provincial notes being numbered, signed, stamped or otherwise marked in such manner as the Governor in Council shall direct, so as to identify them as Provincial notes, which they shall be held to be for all the purposes of this Act, while so used, and shall cease to be notes of the Bank or Banks by which they were originally issued or intended so to be.

Part of cap. 55
 of Con. Stat.
 Can., repealed.

16. So much of chapter fifty-five of the Consolidated Statutes of Canada, intituled : *An Act respecting Banks and freedom of Banking*, as would entitle any Joint Stock Association, Bank or Individual Banker, or any person or party whatever, to issue or obtain authority to issue, bank notes, within the meaning of the said Act is hereby repealed, except only as to associations, banks, bankers, persons or parties who may have obtained and exercised the right to issue such notes under the said Act, before the passing of this Act.

Interpretation
 "Specie."

"Provincial
 Debentures."

17. The word "specie" in this Act means coin current of this Province under the *Act respecting the currency*, chapter fifteen of the Consolidated Statutes of Canada, at the rates and subject to the provisions of that Act and Bullion according to its weight and fineness;—and the expression "Provincial Debentures," in the second, third, fourth, eighth and tenth sections of this Act, means and includes any Debentures, whether of this Province or secured upon the Consolidated Municipal Loan Fund, or otherwise, which under the charter of the Bank in question may be held by it in compliance with the provision in its charter obliging it to invest a certain portion of its capital in such Debentures.

Inconsistent
 enactments re-
 pealed.

18. So much of either of the said Acts, chaptered fifty-five and fifty-eight of the Consolidated Statutes of Canada, or of any other Act or Law, as may be inconsistent with this Act, is hereby repealed.

19. The provisions of chapter ninety-four of the Consolidated Statutes of Canada, intituled : *An Act respecting forgery*, relating to the forging, and uttering of forged Bank notes, or having the same in custody or possession, or engraving or making the same, or having any plate, wood, stone or other material for such engraving or making, in custody or possession, shall be applicable to the Provincial notes to be issued under this Act. Act respecting forgery, to apply.

C A P . X I .

An Act to amend the Post Office Act.

[Assented to 15th August, 1866.]

WHEREAS the more effectually to prevent frauds upon the Post Office Revenue, it is expedient to amend the Post Office Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. If any person uses or attempts to use in prepayment of postage on any letter or mailable thing posted in this Province, any postage stamp which has been before used for a like purpose, such person shall be subject to a penalty of not less than Ten and not exceeding Forty dollars for every such offence, and the letter or other mailable thing on which such stamp has been so improperly used may be detained, or in the discretion of the Postmaster General forwarded to its destination charged with double the postage to which it would have been liable if posted unpaid. Penalty for using Stamps more then once.

2. Sub-section ten of section fifty-five of the Post Office Act is hereby repealed and the following substituted therefor : Sect. 55 amended.

“To enclose a letter or letters or any writing intended to serve the purpose of a letter, in a Parcel posted for the Parcel Post, or in a packet of Samples or Patterns posted to pass at the rate of postage applicable to Samples and Patterns, or to inclose a letter or any writing to serve the purpose of a letter, or to inclose any other thing, in a Newspaper posted to pass as a Newspaper at the rate of postage applicable to Newspapers (except in the case of the accounts and receipts of Newspaper Publishers which are permitted to pass folded within the Newspapers sent by them to their subscribers) shall in each case be an offence punishable by a penalty of not less than ten and not exceeding forty dollars in each case.” Inclosing letters, &c., in parcels, newspapers, &c.

Punishment.

3. The Postmaster General may grant licenses, revocable at pleasure, to Agents, other than Postmasters, for the sale to the Public, of Postage Stamps and stamped envelopes, and may allow to such Agents a commission of not exceeding five per Licensed parties only to sell stamps.

Penalty for selling without licence.

per cent. on the amount of their sales;—and it shall not be lawful for any person to exercise the business of selling Postage Stamps or Stamped envelopes to the Public unless duly licensed so to do by the Postmaster General and under such conditions as he may prescribe; and any person who shall violate this provision by selling Postage Stamps or Stamped envelopes to the Public without a license from the Postmaster General, shall on conviction before a Justice of the Peace, incur a penalty of not exceeding forty dollars for each offence.

Recovery of penalties.

4. The penalties imposed by this Act shall be recoverable by the Postmaster General before any one Justice of the Peace in a summary manner, and if not paid may be levied by distress under warrant of such Justice, and the proceedings for the recovery of any such penalty shall be subject, as to evidence and proof of the offence, to the provisions contained in the sixty-second section of the Post Office Act.

Street letter Boxes, &c.

5. The Postmaster General may, when in his judgment the public convenience requires it, establish Street Letter Boxes or Pillar Boxes for the reception of letters and other mailable matter in the streets of any City or Town in this Province, and from the time that a letter is deposited in any such Street Letter Box or Pillar Box it shall be deemed to be a Post Letter within the meaning of the Post Office Act.

Punishment of persons damaging such Boxes, &c.

6. If any person wilfully or maliciously injures or destroys any Street Letter Box, Pillar Box or other receptacle established by authority of the Postmaster General for the deposit of letters or other mailable matter, such person shall on conviction be deemed guilty of a misdemeanour punishable by fine or imprisonment or both in the discretion of the Court before which the offender is convicted, and every person who aids, abets, counsels or procures the commission of this offence shall be guilty of a misdemeanour and be indictable and punishable as a principal offender.

Extension of money order system to other Provinces of B. N. A.

7. The Governor in Council may, by regulations to be from time to time made, extend the money order system so as to include the granting of money orders on postmasters in the other provinces of British North America, and the payment of money orders drawn by such postmasters on postmasters in this province, on such terms and conditions as may be set forth in such regulations.

Transmission of patterns, &c., by mail.

8. The Governor in Council may, by regulations to be from time to time made, provide for the transmission through the Mails of this province, of patterns and samples of merchandize and goods for sale, and of packages of seeds, cuttings, bulbs, roots and scions or grafts, on such terms and conditions as may be set forth in such regulations.

9. Wilfully and maliciously to destroy, damage, detain or delay any packet or package of patterns and samples of merchandise and goods, or of seeds, cuttings, bulbs, roots and scions or grafts sent by mail under the next preceding section, shall be a misdemeanor, and punishable in like manner as other offences declared to be misdemeanors by the Post Office Act.

Punishment of persons wilfully injuring the same.

10. This Act shall be construed as one Act with the Post Office Act, so that all the provisions of that Act shall apply to the regulations to be made by the Governor in Council under this Act, and to other things to be done under it, as being made or done under the said Act, and to all offences committed against this Act, and all penalties imposed by it, as being committed against and imposed by the said Act; and all words and expressions in this Act shall have the meanings assigned to them in the said Act.

How this Act shall be construed.

C A P. X I I.

An Act to amend *An Act respecting the Volunteer Militia Force.*

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The second section of an Act made and passed in the Session of Parliament, held in the twenty-seventh year of Her Majesty's Reign, and intituled: *An Act respecting the Volunteer Militia Force*, is hereby repealed, and the following section shall be taken and read in lieu thereof, and as the second section of the said Act, that is to say :

Sect. 2, of 27 V. c. 3 repealed, and new sect. substituted.

"2. The Commander-in-Chief may raise, organize, arm, uniform and equip a Volunteer Militia Force to serve within the Province for the defence of the same in case of need, and in aid of the civil power, as hereinafter mentioned; and the Commander-in-Chief may call out such Volunteer Militia Force or any part, or any corps thereof, for actual service, whenever it is in his opinion advisable so to do; Provided that the several corps of Volunteers organized and gazetted, prior to this Act, shall be and continue as if organized and gazetted under this Act, and shall constitute part of the Volunteer Force before mentioned."

New section.

Governor may raise and call out a Volunteer Force, &c.

Proviso as to corps already organized.

2. The fourth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof, and as the fourth section of the said Act, that is to say :

Sect. 4 repealed.

"4. The Volunteers may consist of Troops of Cavalry, Troops of Mounted Infantry, or of Mounted Rifles, Military Train, Field Batteries of Artillery, Garrison Batteries of Artillery, Companies of Engineers, Commissariat, Staff corps, Hospital

New section.

Of what corps the Volunteers may consist.

Proviso : as to
corps in cities.

Hospital and Ambulance corps, and Battalions or Companies of Rifles and of Infantry, and Naval Companies, to be armed and equipped according to their respective services, and to be formed at such places and in such manner as may from time to time be ordered by the Commander in Chief; Provided that in Cities, no number of men shall be accepted or gazetted as Volunteer Militia unless formed into a Battalion under the provisions of the seventh section of this Act."

Sect. 5 re-
pealed.

3. The fifth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof, and as the fifth section of the said Act, that is to say :

New section.
Forming and
disbanding
corps.

" 5. All Corps of Volunteers shall be formed and may be disbanded by authority of the Commander in Chief, as may in his opinion best tend to further the purposes of this Act and the public good."

Paragraph 1 of
sect. 6 re-
pealed.

4. The first subsection or paragraph of the sixth section of the said Act is hereby repealed, and the following shall be taken and read in lieu thereof and as the first subsection or paragraph of the sixth section of the said Act, that is to say :

New para-
graph.

Strength of
Volunteer
Companies
respectively.

" 6. Each Troop of Cavalry, Troop of Mounted Infantry or of Mounted Rifles, Military Train, Garrison Battery of Artillery, Company of Engineers, or Rifles, or Infantry, shall consist, according to its respective service, of a Captain, a Lieutenant, a Cornet, a Second Lieutenant or Ensign, three Serjeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty-eight Privates, except in cases where the Commander in Chief may specially sanction a greater number of Privates not exceeding seventy-five."

Sect. 17 repeal-
ed, and new
sect. substi-
tuted.

5. The seventeenth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof and as the seventeenth section of the said Act :

Municipalities
may provide
armouries, &c.,
and may raise
and expend
money for pur-
poses connect-
ed with the
support and en-
couragement of
the Volunteer
Force.

" 17. For the safe keeping of any arms, accoutrements or ammunition furnished to any corps, the Corporation of every Municipality within which such corps or any part of such corps may be organized, may, if they think fit, provide at the expense of such Municipality, one or more good, safe and commodious fire proof Armouries, fitted with arm racks and other necessary and proper storage, and for the heating thereof; and may also build and construct or aid partially in the erection or construction of any fortified intrenchments or of any drill shed or exercise ground or range for rifle practice, and may purchase and hold any real estate or may appropriate any land or building belonging to or held by such Corporation, for any such purposes; and may provide moneys for such purposes or any of them, or for or towards compensating, maintaining or promoting the efficiency of the corps of volunteers within such Municipality, or for purchasing or aiding in the purchase of

of arms for any volunteer corps or for any drill association lawfully formed under the Acts in force in that behalf, and may grant gratuities or sum or sums of money to any corps on actual service, or to any officer, non-commissioned officer or private thereof, on actual service, or who may be wounded, injured, maimed or incapacitated from following his ordinary calling or employment in the performance of military duty as such volunteer, or to the family of any officer, non-commissioned officer or private on actual service or who may be killed in the performance of such military duty as aforesaid, and may for the further encouragement and support of the Volunteer Force, enact by-laws granting such exemptions to enrolled men and horses therein, as to such Municipal Corporation may seem fit and proper; and the several Municipalities throughout Upper Canada shall have all and every the powers conferred upon them in respect to the raising and levying of all funds required for any of such purposes, which are provided by the two hundredth and two hundred and twenty-fourth sections of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada; and the several Municipalities in Lower Canada shall have all the powers conferred on them in respect to raising and levying of all such funds, which are provided by the Lower Canada Consolidated Municipal Act and the Acts amending it, or by the special Act or Acts incorporating and governing the Municipality (if any such there be), with regard to the raising of money for any purpose for which such Municipalities are by law empowered to raise the same: ”

Power to raise money for such purposes.

“ 2. A copy of every by-law passed under authority of this section duly certified under the corporate seal of the municipality, shall be forthwith transmitted to the Minister of Militia; and he may at any time signify his disallowance of the same, if in his opinion any provisions thereof are likely to impair the efficiency of the Force; and any by-law so disallowed shall thereupon become null and void; ”

By-laws to be submitted to Minister of Militia for approval.

“ 3. All payments and allowances whatever, in any way accruing under any such by-law to any Volunteer Officer, non-commissioned Officer or private, while on actual service, shall be made in such manner only, and through such channel, as the Commander-in-Chief shall from time to time direct.”

How payments under By-law shall be made.

6. For and notwithstanding any thing in the preceding section contained, any by-law or resolution heretofore passed or which may be hereafter passed by any Municipal Corporation prior to the first day of January next after the passing of this Act, for any of the purposes in the preceding section mentioned, shall be held to be and shall be valid for the purposes thereof, and as respects Upper Canada, whether the same may or may not have been submitted for or received, or may or may not be submitted for or receive the assent required by the two hundred and twenty-fourth section of the Act in the next preceding section mentioned.

By-laws for such purpose to be valid, &c.

Sect. 22,
repealed.

7. The twenty-second section of the said Act is hereby repealed, and the following section shall be taken and read in lieu thereof and as the twenty-second section of the said Act, that is to say :

New Section.

Commander in
Chief may
make regula-
tions for certain
purposes.

Courts of
Enquiry.

Regulations
may be altered.

“22. The Commander in Chief may from time to time make orders or regulations respecting anything in this Act, done or authorized to be done or provided by Order or Regulation, and also such Orders or Regulations as may seem fit (not being inconsistent with any of the provisions of this Act,) respecting the appointment and promotion of officers and the assembling and proceedings of Courts of Enquiry to inquire into and report on any matter connected with the government, or discipline, or conduct of a Volunteer Corps or Battalion, or of any Officer, Non-Commissioned Officer or private thereof, and for the full execution of this Act, and the general government and discipline of the Volunteer Force ; and he may alter or repeal any such Regulations, and may call for such Returns as may from time to time seem requisite.”

Sect. 27,
repealed.

8. The twenty-seventh section of the said Act is hereby repealed, and the following section shall be taken and read in lieu thereof, and as the twenty-seventh section of the said Act, that is to say :

New Section.

Volunteers,
called out, &c.,
to be subject to
articles of war,
&c.

Exception.

Exception.

New proviso
added.

Liability of
Volunteers
to be tried
within six
months after
leaving the
corps, &c.

“27. The volunteer force and every officer or man belonging to it, shall be subject to the Queen's Regulations and Orders for the Army, and shall from the time of being called out for actual service, and also during the period of annual drill prescribed by this Act or by any Act amending the same or by any Order of the Commander in Chief, under the authority thereof, and also during the continuance of any drill or parade of his corps at which he shall be present, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act ; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws ; and except also that the Commander in Chief may direct that any provisions of the said laws or regulations shall not apply to the Volunteer Militia Force ; Provided always, that any officer, non commissioned officer or man charged with any offence committed whilst a volunteer or whilst on actual service, shall be held liable to be tried, and if convicted to be punished therefor, within six months after ceasing to be a volunteer or after the corps to which he belongs or belonged is relieved from actual service, notwithstanding that he shall have so ceased to be a volunteer or the corps to which he belonged shall have been so relieved from actual service.”

9. The forty-second section of the said Act is hereby repealed and the following shall be taken and read in lieu thereof and as the forty-second section of the said Act, that is to say : Sect. 42 amended.

“ 42. Whenever the Volunteer Militia Force or any part or Corps thereof shall be called out for actual service, the officers, non-commissioned officers and men so called out shall be paid at such rates of daily pay as are paid and allowed to officers, non-commissioned officers and men of the relative and corresponding grade in Her Majesty's service, or such other rates as may for the time being be fixed by the Governor in Council ; Provided, that where the same shall be called out for partial intermitted or non-continuous service, they shall be paid for the days only of such service.” Pay of Volunteers.
Proviso.

10. No officer shall be entitled to ask or to receive half pay, or pay in respect of his rank when unattached. No half pay, &c.

11. The Commander in Chief may, whenever it is in his opinion advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them, raise in addition to the Militia or Volunteer Militia Force of the Province, Regiments of Volunteer Militia, by voluntary enlistment for General Service during such war, invasion or insurrection, or imminent danger of any of them, and for a reasonable time after the termination of any such danger or emergency ; and such Regiments shall be subject to the provisions of this Act and of the Act hereby amended. Regiments of Volunteer Militia, in case of war, &c.

12. The several clauses, enactments, provisions and amendments in this Act contained shall be deemed, taken and read as if made at the time of the passing of the said Act intituled : *An Act respecting the Volunteer Militia Force*, and as respectively parts of the said Act. This Act to form part of 27 V. c. 2.

C A P . X I I I .

An Act to amend Chapter Six of the Consolidated Statutes of Canada, intituled : *An Act respecting Elections of Members of the Legislature.*

[Assented to 15th August, 1866.]

WHEREAS it is expedient to amend the law of Elections of members to serve in Parliament : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. No show of hands shall be taken on the nomination day, notwithstanding anything contained in the thirty-fourth section of the Act Chapter six of the Consolidated Statutes of Canada, intituled : *An Act respecting Elections of Members of the Legislature*, No show of hands required.

Poll if demanded.

Legislature, and if at the nomination more than one candidate is proposed and a poll is then and there demanded by or on behalf of any one or more of the candidates proposed, the Returning Officer shall grant a poll for taking and recording the votes of the electors.

Division of electoral divisions into polling divisions, by Municipal Council.

2. Whenever the number of qualified electors within any municipality, ward, or other electoral division, according to the voters' lists then in force, shall exceed six hundred, the Municipal Council of the City, Town, or other Local Municipality having jurisdiction over the locality shall, within three months after the passing of this Act, and afterwards, from time to time, as may be required, divide in the most convenient manner such City, Town, or other Local Municipality into electoral subdivisions, so that there shall be two such sub-divisions, if the number of electors be over six hundred and less than ten hundred, three, if the number of electors exceeds ten hundred and be less than fourteen hundred, and so on, adding one subdivision for every four hundred additional electors to be found on such lists as aforesaid; Provided always, that an appeal shall lie from such division at the instance of any five electors, which appeal shall be, in Upper Canada, to the County Judge, who shall correct such division in accordance with law; and in Lower Canada, to the County Council, as in the case of an appeal from a by-law of a local council, except in cities and towns, where the appeal shall lie to a Judge of the Superior Court in term or in vacation; and in all cases such appeal must be made within one month.

Appeal as to such division in U. C. and in L. C.

List of electors for each polling division.

3. In case a Municipality is divided for Electoral purposes, under this or any other Act, the Clerk of the Municipality shall, in preparing the lists of electors required by law, divide such lists into as many parts as there are electoral divisions in the municipality, and each part shall contain an alphabetical list of the names of the electors in one of such electoral divisions.

Polling place in each polling division.

4. The Returning officer, on receiving the Writ of Election, shall fix one polling place in every City, Town, or other Local Municipality, according to the provisions of section thirty-eight of the said Act, and one polling place for each Subdivision into which such City, Town or other Local Municipality may have been subdivided; Provided the number of polling places now required by law in Cities and Towns shall in no case be diminished, and that the polling places shall be at least two hundred yards distant from each other in Cities, Towns and incorporated Villages, and at least three miles distant from each other in other Local Municipalities.

Proviso: as to distance between them.

Duty of Returning Officer in case polling divisions have not been established.

5. In case of failure on the part of any Municipal Council to divide any City, Town or other Local Municipality into Electoral Subdivisions, proportioned to the number of electors, as provided by the second section of this Act, or in case the time

to appeal from the division should not have expired before the reception of the Writ, the Returning Officer shall provide for as many polling places for polling the votes of the electors, in such City, Town or other Local Municipality, as shall correspond as nearly as may be, with the number of polling places which would have been required if the said City, Town or other Local Municipality had been sub-divided into the proper number of Electoral Sub-divisions.

6. Whenever Electoral Sub-divisions shall have been established by the Municipal Council or shall have been provided for by the Returning Officer, a copy or duplicate of the voters' list or so much thereof as is required for the sub-division, shall be furnished for each polling place appointed therefor; and the Returning Officer in Cities and Towns shall make such arrangements as to enable all voters whose surnames shall begin with the same letter of the Alphabet, to record their votes at the same polling place as nearly as may be consistent with such arrangement, but in Townships and parishes the arrangement shall be by sub-dividing the locality by well established boundaries (such as concession lines and side lines) so that the number of votes to be polled at each polling place shall, as nearly as may be, agree with the rule laid down in section two of this Act.

Copy of voters list to be furnished for each polling place.

Alphabetical order to govern in cities and towns: otherwise in country parts.

7. In all cases in which additional polling places are appointed, the Returning Officer shall appoint such number of Deputy Returning Officers as he may find necessary to carry on the election properly.

Deputy Returning Officers.

8. The electors of Township and Parishes shall only vote at the polling place established for the sub-division wherein the property on which they are qualified to vote is situated; but in Cities, Towns and Wards the Electors shall vote according to the alphabetical order arranged by the Returning Officer for each of the polling places.

Where Electors shall vote.

9. The several Deputy Returning Officers shall, on or before the third day next after the close of the polls, transmit the poll-books to the Returning Officer in the manner provided for by law.

Transmission of poll-books.

10. The fourth and fifth sub-sections of section forty-two of the said Act are hereby repealed, and no day for the closing of the election shall be fixed by the Returning Officer; nor shall there be any public and open proclamation of the candidate or candidates elected, and so much of the sixty-fifth section, or any other part of the said Act as requires such proclamation, or the counting of votes in the presence of the electors, or as refers to any adjournment for that purpose, or as depends on the fixing of the day for closing the election, is hereby repealed; and the Returning Officer shall, so soon as he shall have received all the

No day to be fixed for closing the election, nor any proclamation, &c.

Ascertaining and notifying

result of election.

No Indenture requisite, &c.

Proviso :
certain powers
and duties of
Returning Officers
not affected.

the poll-books used at the election, ascertain in the manner provided by law, the total number of votes taken and received for each candidate at the election, as certified and sworn to by the several Deputy Returning Officers, and shall within forty-eight hours thereafter, make and transmit by mail, his return to the Clerk of the Crown in Chancery, and he shall also, upon application, deliver to each of the candidates or their agents, or if no application be made, he shall, within the same period, transmit by mail to each candidate, a duplicate of such Return, which duplicate shall stand in lieu of the Indenture required by the sixty-seventh section of the said Act, which is hereby repealed ; Provided always, that the powers and duties of the Returning Officer, or of any other person under the sixty-eighth, sixty-ninth and seventieth sections of the said Act shall not be affected by the abolition of the day of closing the election, or by any other provision of this Act, and the ten days limited by section seventy for depositing copies of poll-books in the office of the proper Registrar of deeds and titles, shall be reckoned from the date of the Return.

What lists of voters shall be used, in U. C.

11. It is hereby declared and enacted, that the lists of voters required by the *Act respecting Elections of Members of the Legislature*, to be used at any Election of a Member to serve in the Legislative Council or Assembly, in any Municipality in Upper Canada, is and shall be held to be the last list of voters which shall have been, at least one month before the date of the writ to hold such election, according to law completed and delivered by the Clerk of such Municipality, to the Clerk of the Peace, for the County or Union of Counties within which such Municipality lies :

Provisions for enforcing the making of the lists.

1. In case the Clerk of any Municipality does not complete or deliver the list of voters duly certified, by the first of October in each year, it shall be the duty of the Clerk of the Peace forthwith to apply summarily to the County Judge or Acting Judge of the County Court in Upper Canada to enforce the completion and delivery of such list ;

2. The application may also be made by any person entitled to be named on such list as an elector ;

3. The Judge shall, on such application, require the Clerk of the Municipality, and any other person he sees fit, to appear before him and produce the Assessment Roll, and any other documents relating thereto, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for enforcing the completion and delivery of the list without any avoidable loss of time ;

4. The Clerk of the Municipality shall be personally liable for and shall pay the costs of the proceedings, unless on some special

special grounds the Judge shall see fit to order otherwise, and in such special case the costs shall be in the discretion of the Judge ;

5. Such proceeding and such order of the Judge of the County Court shall not in anywise exonerate or release the Clerk from liability to the penalty imposed by section six of the said Act, for neglect or refusal to complete the list as therein mentioned.

12. The third subsection of the fourth section of chapter six of the Consolidated Statutes of Canada is repealed, and the following is substituted therefor :

Subsection 3 of Sect. 4, of Cap. 6, Con. Stat. Canada, repealed, and new provisions substituted.

“ 3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, are entered on such assessment roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share would be sufficient to entitle him to vote at any election for Members to represent in the Legislative Council or Assembly the electoral division within which such property is situate, if such property were assessed in his individual name ; except that if the property be held by any body corporate, no one of the members thereof shall be entitled to vote or be entered on the list of voters in respect of such property ; and for the purpose of this section the parties assessed as aforesaid shall be presumed to be equally interested in such property, unless the contrary be shewn.”

As to parties holding property in common.

“ Where the parties assessed are or are presumed to be equally interested as aforesaid, and such property is not assessed at an amount sufficient, if equally divided between the parties assessed, to give a qualification to each of them, none of them shall be deemed entitled to vote.”

13. The sixth subsection of section five of the said Act shall apply to Upper Canada.

Sub. s. 6 of s. 5 extended to U. C.

14. All the provisions of the said Act respecting Elections of Members of the Legislature not inconsistent with this Act, shall apply to the additional polling places to be established under this Act, and to all proceedings and matters under it ; and so much of the said Act and of any other Act as may be inconsistent with this Act, is hereby repealed, and this Act shall be construed as one Act with the said Act, any citation whereof shall be understood as meaning the said Act as hereby amended.

Certain provisions to apply, &c.

Repeal of inconsistent enactments, &c.

CAP. XIV.

An Act to continue for a limited time the several Acts therein mentioned.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Acts of Canada,
10, 11 V.
c. 1.

1. The Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's reign, and intituled : *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the public health of the city may be endangered* ; the Act passed in the twenty-eighth year of Her Majesty's reign, intituled : *An Act for the prevention and repression of outrages in violation of the Peace on the Frontier of this Province, and for other purposes* ; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the reign of His late Majesty King George the Fourth, and intituled : *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine* ; the Act of the said Parliament, passed in the same year of the same reign, and intituled : *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the common in the said Seigneurie*, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled : *An Act to authorize the Chairman and Trustees of the common of the Seigniorie of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same* ; the Act of the said parliament, passed in the ninth year of the same Reign, and intituled : *An Act to alter and amend an Act passed in the sixth year of His Majesty's Reign, intituled : 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of St. Maurice, to make regulations for the common of the said Fief ;'* and all and every of the said Acts are hereby continued to the first day of January, one thousand eight hundred and sixty-seven, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of L. C.,
2 G. 4, c. 8.
Laprairie.

2 G. 4, c. 10.
Baie St. Antoine.

2 G. 4, c. 26.
the same.

2 G. 4, c. 32
Fief Grosbois.

Continued to
end of Session
after 1st Jan.,
1867.

Acts of Canada,
7 V. c. 10.
Bankrupts.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled : *An Act to repeal an Ordinance of Lower Canada, intituled : 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada, and the Act amending the*

the same, passed in the ninth year of Her Majesty's Reign, and intituled : *An Act to continue and amend the Bankrupt Laws*, 9 V. c. 30, now in force in this Province, in so far as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled : *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*, and the said last mentioned Act ; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled : *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall be in force until the said first day of January, one thousand eight hundred and sixty-seven, and thence until the end of the next ensuing Session of the Provincial Parliament, and no longer.

13 & 14 V.
c. 20.

Continued for
certain pur-
poses only to
end of Session
after 1st Jan.,
1867.

3. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled : *An Act to amend the Acts passed to remedy certain defects in the Registration of titles in the County of Hastings*, as that within which it shall be lawful for the Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled : *An Act to remedy certain defects in the registration of titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled : *An Act to alter and amend an Act, intituled : 'An Act to remedy certain defects in the registration of titles in the County of Hastings, in Upper Canada,'* or to endorse any deed, conveyance, will or probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty-seven, and thence until the end of the then next ensuing Session of the Provincial Parliament and no longer.

Period limited
by 12 V. c. 97.
Registration in
Hastings.

9 V. c. 12.

10 & 11 V. c.
33.

Extended to
end of Session
after 1st Jan.,
1867.

4. And whereas certain Provident Institutions or Savings Banks have been established and are now in operation in this Province, under the conditions, privileges, and restrictions made, granted, and imposed by an Act of Parliament of this Province, passed in the Session thereof held in the fourth and fifth years of Her Majesty's reign, intituled : *An Act to encourage the establishment of and regulate Savings Banks in this Province* ; and whereas the time thereby fixed for the continuance and operation of such Savings Banks was extended for the period of five years, by an Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, intituled : *An Act to continue for a limited time an Act intituled : 'An Act to encourage the establishment of and regulate Savings Banks in this Province* ; and whereas the time thereby limited for the operations of the said Savings Banks was further extended until the thirtieth day

4, 5 V. c. 32.
Savings Banks.

14 15 V. c. 55.

18 V. c. 96.

Con. Stat. Can.
c. 56, s. 70.Continued to
end of Session
after 1st Jan.,
1868.

of May, one thousand eight hundred and sixty-two, by an Act of the Parliament of this Province passed in the Session thereof held in the eighteenth year of Her Majesty's reign, intituled : *An Act to regulate Savings Banks, and to repeal the Act now in force for that purpose*, and subsequently by the seventieth section of chapter fifty-six of the Consolidated Statutes of Canada ; and whereas it is expedient that the operations of the said Savings Banks should be further continued for a limited time : Therefore, the said first-cited Act shall continue and remain in force as regards the Savings Banks mentioned in the said seventieth section, until the first day of July, one thousand eight hundred and sixty-eight, and from thence until the end of the next ensuing Session of the Provincial Parliament, and no longer.

Proviso.
Act not to pre-
vent the effect
of any Act of
this Session.

5. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

C A P . X V .

An Act to make further provision in relation to the Temporalities of the United Church of England and Ireland, in this Province.

[Assented to 15th August, 1866.]

Preamble.

Act of U. C. 3
V. c. 74, cited.

6 V. c. 32.

14 15 V. c. 176.

WHEREAS it is desirable to provide that the Act passed by the Parliament of Upper Canada in the third year of Her Majesty's reign, chaptered seventy-four, and intituled : *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned*, and also the Act of the Parliament of this Province, passed in the sixth year of Her Majesty's reign, chaptered thirty-two, and intituled : *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned*, and also the Act of the Parliament of this Province, passed in the session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, chaptered one hundred and seventy-six, and intituled : *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Montreal, and for other purposes therein mentioned* ; may be altered and amended from time to time, and the Provincial Synod of the United Church of England and Ireland, in Canada, have,

have, by their petition, prayed that power may be given to the said Synod to make such alterations in the said Acts, as may from time to time be found necessary for the better and more uniform regulation and management of the Temporalities of the said Church in this Province, and it is expedient that the prayer of the said petition be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Bishops, Clergy and Laity of the United Church of England and Ireland in Canada, assembled in Provincial Synod or General Assembly, under the provisions of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chaptered one hundred and forty-one, section two, shall have power and authority from time to time by any By-law or Canon by them adopted, to make such repeal, change, alteration and amendment of and in all or any of the clauses or provisions in all or any of the said Acts in the Preamble of this Act mentioned, as they shall deem advisable and necessary for the better and more uniform regulation and management of all or any of the temporalities of the said United Church of England and Ireland in this Province ; and every such Canon or By-law shall have effect accordingly ; Provided always, that the proviso to the sixteenth section of the Act firstly, and the proviso to the eighteenth section of the Act thirdly in the Preamble of this Act mentioned, and also the eighteenth sections of the Acts firstly and secondly and the twenty-second section of the Act thirdly in the Preamble of this Act mentioned, shall not, nor shall either of them be, in any manner varied, altered or repealed, by any such Canon or By-law, as aforesaid ; and provided also that such Canon or By-law shall be approved by the Governor in Council, and before such approval, shall be published for three months in the Official Gazette.

Provincial synod or general assembly under 19 20 V. c. 141, may amend the said Acts.

Except certain section of each of them.

2. This Act shall be a Public Act.

C A P . X V I .

An Act to provide for the sale of the Rectory Lands in this Province.

[Assented to 15th August, 1866.]

WHEREAS the Provincial Synod of the United Church of England and Ireland in Canada, have by their petition prayed for the passing of an Act to give permission to the Incorporated Synods and Church Societies of the different dioceses of the said Church in this Province, to sell the Rectory lands held in such dioceses, by grant from the Crown ; and whereas it is desirable to grant the prayer of such petition : Therefore, Her Majesty, by and with the advice and consent of

Preamble.

of

of the Legislative Council and Assembly of Canada, enacts as follows :

By what authority glebe or Rectory lands may be sold.

1. The incorporated Synod of any diocese of the United Church of England and Ireland in Canada, or the Church Society of any diocese, with the consent of the Synod of such diocese, where such Synod is not incorporated, shall have full power and authority to sell and absolutely dispose of any lands granted by the Crown in such diocese, as a glebe of, or as appurtenant or belonging to, or appropriated for, any Rectory of the said Church in such diocese, by whatever name the same may be called, or in whomsoever the title thereto may be vested ; and any deed executed by such incorporated Synod, or by such Church Society, shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof or rights granted therein, by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof ; provided always, that such sale shall not affect the estate or interest of the Incumbent of such Rectory at the time of such sale, unless the consent in writing of such Incumbent to such sale be first given, and that without such consent the title vested in the purchasers by virtue of such deed, shall be subject to the estate and interest of the then Incumbent, in the lands so sold.

Proviso : as to interest of the then Incumbent.

Investment of proceeds of sale.

2. The proceeds of such sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested in Government securities or county municipal debentures, and the interest arising from the said proceeds shall be paid to the Incumbent of the Rectory to which such lands belonged at the time of such sale, during the term of his incumbency.

Applications of such proceeds.

3. The proceeds of such sale shall be held by such incorporated Synod or Church Society in trust, first to pay all expenses attending the management thereof ; secondly, to pay the interest of the moneys arising from such sale to the Incumbent of the Rectory to which such lands belonged at the time of such sale, during the term of his incumbency, if he has consented to such sale as aforesaid ; and thirdly, after the death, retirement, or removal of such Incumbent, to pay such interest, if the amount be sufficient therefor, to the Incumbent of such Rectory for the time being, as follows : in cities, to the extent of seven hundred and fifty pounds a year ; in towns, to the extent of five hundred pounds a year ; and in townships to the extent of four hundred pounds a year, and any excess of interest beyond such annual payments shall be apportioned to and divided among the Incumbents of the other churches of the said Church in the City, Town or Township, in which said lands are situate, or to which such Rectory belonged, in such proportion as such incorporated Synod, or Church Society with the

the consent of such Synod, where not incorporated, shall by resolution, by-law or canon, from time to time order and direct.

4. Nothing in this Act contained shall affect the right of presentation to any Rectory, but such right of presentation shall continue to be exercised as it was before this Act was passed. Right of presentation not affected.

5. The right to exercise the power of sale granted by this Act, must be exercised within ten years from the passing thereof. Sales to be within ten years.

6. This Act shall apply only to those rectories and rectorial lands which come within the provisions of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, chaptered one hundred and seventy-five. To what rectories the Act shall apply.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . • X V I I .

An Act to amend the Act of the present Session, intituled : *An Act to provide for the Sale of the Rectory Lands in this Province.*

[Assented to 15th August, 1866.]

WHEREAS it is expedient to amend the Act of the present Session hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The sixth section of the Act passed in the present Session of the Parliament of this Province, intituled : *An Act to provide for the Sale of the Rectory Lands in this Province*, is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the sixth section of the said Act. S. 6 of c. 16 repealed.

"6. This Act shall not apply to any lands granted by the Crown, as sites for Churches, Parsonages or Burial Grounds, or now occupied as such." New section substituted.

CAP. XVIII.

An Act to amend chapter thirty-two of the Consolidated Statutes of Canada respecting the Bureau of Agriculture and Agricultural Societies.

[Assented to 15th August, 1866.]

Preamble.

IN amendment of chapter thirty-two of the Consolidated Statutes of Canada, respecting the Bureau of Agriculture and Agricultural Societies, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 9 of cap.
32 Con. Stat.
Can. amended.

1. Out of the sum appropriated for Agricultural Societies in Lower Canada, from Provincial Funds, five per cent. thereof shall be applied under the authority of the Governor in Council, towards the promotion of Agricultural instruction and information, and so much of the ninth section of the said Act as is inconsistent with this provision, is hereby repealed.

Papers in
which reports
&c. are published,
to be approved
by minister of
agriculture.

2. No portion of any money received by any Board of Agriculture, in Lower Canada, from Provincial funds, shall be paid by such Board for the publication of its transactions, or of any report, essay, lecture, notice, information, or other matter whatsoever, in any Agricultural journal or newspaper, or other publication whatsoever, which shall not have been previously approved of for such purpose by the Minister of Agriculture ; and so much of the sixteenth section or of any other part of the said Act as is inconsistent with this provision, is hereby repealed.

CAP. XIX.

An Act to amend chapter thirty-four of the Consolidated Statutes of Canada relating to Patents of Invention.

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Additional
paragraphs to
s. 15, of c. 34,
Con. Stat. of
Can.

1. The following paragraphs shall be added to the fifteenth section of the thirty-fourth chapter of the Consolidated Statutes of Canada, intituled : *An Act respecting Patents for Inventions*, and construed as part of the said section :

Oath to be
taken by arbit-
rators.

3. The arbitrators so named shall, before acting, take before a Judge of any Court of Upper or Lower Canada, the following oath :

" I,

" I, the undersigned, (A. B.) being duly appointed an arbitrator under the authority of the fifteenth section of the thirty-fourth chapter of the Consolidated Statutes of Canada, do hereby solemnly swear (*or affirm, as the case may be*), that I will well and truly perform the duty of such arbitrator on the interfering applications of (C. D. and E. F.) submitted to me."

Form.

4. The arbitrators, or any one of them, after having been so sworn, shall have the power of summoning before them any party or witness, and of requiring them to give evidence on oath, orally or in writing, (or on solemn affirmation, if the persons be entitled to affirm in civil matters,) and to produce such documents and things as such arbitrators deem requisite to the full investigation of the matters into which they are appointed to examine, and shall then have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any Court of Law in civil cases, in that portion of the Province in which the arbitration shall be had; and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution;

Powers of arbitrators with respect to summoning of witnesses, &c.

5. The fees for the services of arbitrators shall be paid by the parties naming them, respectively, except those of the third arbitrator, when named by the Minister of Agriculture, which shall be paid by the applicants jointly.

Fees to arbitrators, how paid.

C A P . X X .

An Act to confirm the Title to Lands held in trust for certain of the Indians resident in this Province.

[Assented to 15th August, 1866.]

WHEREAS defects have been found to exist in respect to the mode of execution of Titles to certain Lands in Upper Canada, acquired by certain Tribes of Indians, or by the Crown in trust for or on behalf of Indians or of Indian Tribes, and it is expedient to quiet and confirm such Titles: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. For and notwithstanding anything contained in any Act of the Parliament of the late Province of Upper Canada, or of the Parliament of the Province of Canada, heretofore made and passed, every Deed, Conveyance or Instrument purporting

Certain deeds of lands in trust for Indians, confirmed, notwithstanding

insufficient
execution by
married wo-
man.

to be a Conveyance and Transfer of Lands, in Upper Canada, to any Tribe of Indians, or to the Crown in trust for or on behalf of Indians or of Indian Tribes, or now held by the Crown on any such trust from any married woman seized of or entitled to such real estate, and made and executed before the passing of this Act, by such married woman, either jointly with or without her husband, or made and executed by any person constituted and authorized by power of attorney executed by such married woman, either jointly with or without her husband, to execute such Deed, Conveyance or Instrument in her name or on her behalf, shall be taken and deemed a valid Conveyance of the Land therein mentioned, and the execution thereof shall be taken and deemed to be valid and effectual and to have passed the estate of such married woman in the said land, although such Deed, Conveyance, Instrument or Power of Attorney was not executed by such married woman in accordance with the provisions of any Law or Statute in force in Upper Canada in respect to the conveyance of real estate by married woman, and although no certificate of the consent of such married woman to convey her estate in the said land, or an informal or insufficient certificate was endorsed upon such Deed, Conveyance or Instrument, whether executed by such married woman or by her Attorney, and although no certificate of such consent or an informal or insufficient certificate was endorsed upon such Power of Attorney.

C A P . X X I .

An Act to amend the Act twenty-ninth Victoria, chapter seven, respecting works connected with the defence of the Province.

[Assented to 15th August, 1866.]

Preamble.

29 V. c. 7.

WHEREAS it is expedient to remove doubts under the seventh section of the Act passed in the twenty-ninth year of Her Majesty's Reign, intituled: *An Act to extend and amend the Acts respecting Public Works to and with respect to works connected with the defence of the Province*, so as to provide for the decision of certain cases not provided for in the said section: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Provision made
in cases unpro-
vided for in the
said Act.

1. In any case mentioned in the said seventh section, in which a jury had not sat before the passing of the said Act, or in which since the passing thereof the jurors have been discharged as having been tampered with by the party to whom the price or compensation is to be paid, or otherwise through his fault, without rendering a verdict, such price or compensation shall be enquired of and determined by the official arbitrators in the manner provided in other cases in and by the said section and Act.

CAP. XXII.

An Act to regulate the means of egress from Public Buildings.

[Assented to 15th August, 1866.]

WHEREAS, the neglect of a proper mode of constructing the doors and gates of Churches and of Halls or buildings used for holding public meetings, is a source of great danger to life and limb, and it is desirable to provide a remedy: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. In all Churches, Theatres, Halls or other buildings in this Province hereafter to be constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used to facilitate the egress of people, in case of alarm from fire or other cause.

Doors of churches, &c. to be hung so as to open outwards.

2. Congregations or others owning Churches, and individuals, corporations and companies owning Halls, Theatres, or other buildings used for the purpose of holding public meetings, or places of public resort or amusement, shall, within twelve months from the passing of this Act, be required to have the doors of such Churches, Theatres, Halls or other buildings so hinged as to open freely outwards.

Doors of existing churches, &c., to be altered if necessary.

3. Individuals, companies and corporations owning or possessing public halls, churches or other buildings used for public meetings, who shall violate the provisions of this Act, shall be liable to a fine not exceeding fifty dollars, recoverable on information before any two of Her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any city or town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the municipality, within which the case may arise, and parties so complained against shall be liable to a further fine of five dollars for every week succeeding that in which the complaint is laid, if the necessary changes are not made:

Individuals, companies and corporations liable to fine for neglecting the provisions of this Act.

2. Congregations possessing corporate powers, and all trustees holding Churches or buildings used for Churches under the Act, chapter sixty-nine, of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the property of religious institutions in Upper Canada*, and Incumbents and Churchwardens holding Churches, or buildings used for Churches under the Act of the parliament of Upper Canada, chapter seventy-four, third Victoria, intituled: *An Act to make provision*

Congregations incorporated and trustees holding for congregations liable for neglecting the provisions of this Act.

for

for the management of the temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned, and the Incumbents, Church-wardens or Trustees holding Churches or buildings used for Churches under the Act chapter nineteen of the Consolidated Statutes for Lower Canada, intituled: An Act respecting lands held by religious congregations; and all others holding Churches or buildings used for Churches, under any other Act, shall be severally liable as Trustees for such societies or congregations, to the provisions of the preceding section.

Municipal corporations in U. C. may enact by-laws to regulate construction of churches, &c.

4. Municipal Corporations in Upper Canada shall have power to enact by-laws to regulate the size and number of doors in Churches, Theatres and Halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair-railing in all such buildings, and the strength of beams and joists, and their supports.

The same in L. C.

Exception as to Churches under c. 18 of Con. Stat. L. C.

5. Municipal Corporations in Lower Canada shall have the same power to enact by-laws as is hereby granted to the Municipal Corporations in Upper Canada—except in so far as relates to Churches and other buildings used for places of worship, the construction of which is regulated by Chapter eighteen of the Consolidated Statutes for Lower Canada; and the Commissioners mentioned in the said Chapter shall have, for the said Churches and places used for worship, the same power to enact by-laws as is hereby conferred on the Municipal Corporations, which said by-laws, when sanctioned by the Ecclesiastical authorities mentioned in the said Chapter, shall have full force and effect.

Duties of municipal officers.

6. In cities, towns and incorporated villages, it shall be the duty of the High Bailiff, Chief Constable, or Chief of Police, to enforce the provisions of this Act, and such officers neglecting the performance of such duties shall be liable to a fine not exceeding fifty dollars, recoverable in the manner and before the Justices of the Peace, and payable to the parties mentioned in the third Section of this Act.

Officer to enforce this Act.

7. County, Township and Parish Municipalities may, by by-law, appoint an officer to enforce the provisions of this Act.

Not to apply to convents.

8. This Act shall not be construed to apply to Convents or private Chapels connected therewith.

CAP. XXIII.

An Act to amend the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, respecting the granting of Charters of incorporation to Manufacturing, Mining and other Companies.

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The seventh subsection of the first section of the twenty-third Chapter of the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, is hereby amended, and extended by the addition of the words "or gymnasium," to be inserted after the word "Room," in the third line of the said subsection; and by the addition of the word "athletic," to be inserted after the word "library," in the fifth line of the said subsection. Sub. sect. 7 s. 1 of 27, 28 V. c. 23, amended.

2. The first subsection of the first section of the said Act is hereby amended, by the addition of the words "Printing and Publishing," to be inserted after the word "mechanical," in the last line of the said subsection. Sub. sect. 1 s. 1 amended.

CAP. XXIV.

An Act to amend the law respecting the Inspection of Leather and Raw Hides.

[Assented to 15th August, 1866.]

WHEREAS it is expedient to amend the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter twenty-one, intituled : *An Act to regulate the Inspection of Raw Hides and Leather* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.
27, 28 V. c. 21

1. No green raw hide weighing more than twenty pounds *avoir du pois*, produced within the limits of the Inspectors of Leather and Raw Hides for any city or town for which an Inspector of Leather is now or may hereafter be appointed, shall be offered for sale or sold within the said city or town, unless it shall have previously been inspected in accordance with the law; this provision shall not apply to green raw hides produced without the inspection limits of the said Inspectors, but every purchaser of such hides shall cause them to be inspected after he shall have purchased or acquired them, and before selling them or disposing of them in any way whatsoever. Green raw hides must be inspected in certain cases.
Exception.

Weight to be marked on them, and certified if required.

2. Every such Inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts, or hoofs, and the Inspector, if he is required so to do, shall give a certificate of the net weight of such hide, without any charge for such certificate.

How the weight shall be reckoned.

3. Every Inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides may have lost by drying; the whole at his discretion; he shall also classify them as number one, two, or damaged, as the case may be.

Classification.

Fees.

4. Every Inspector as aforesaid shall be entitled for the inspection of such hides to a fee of five cents for each hide in lots under one hundred in number, and four cents for each hide in lots over one hundred in number.

Sub. sect. added to s. 16.

5. The following subsection shall be added to section sixteen of the Act to regulate the Inspection of Raw Hides and Leather: "But the Inspector shall not be responsible for any damage resulting from a deficit not exceeding five per cent, on the whole weight of such leather by him inspected."

Section 19 amended.

6. The word "*skins*," in the nineteenth section of the said Act, shall be replaced by the word "*leather*" in the English version thereof, and the said section of the English version shall read as if it contained the said word "*leather*."

Section 35 partially repealed.

7. The thirty-fifth section of the said Act is hereby repealed in regard to the cities and towns herein referred to as respects such green raw hides.

Fine for offences against this Act.

8. Every offence against the above provisions of this Act shall be punished by a fine of not more than eighty dollars, for the recovery whereof a suit may be brought, heard and decided in the manner and form prescribed by the said Act, and the amount recovered shall be applied as directed by the said Act.

C A P . X X V .

An Act respecting the Code of Civil Procedure of Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Commissioners appointed under the second Chapter of the Consolidated Statutes for Lower Canada, to codify the Laws of that division of the Province in Civil Matters, have completed that portion of their work mentioned in the said Act as the *Code of Civil Procedure of Lower*

Lower Canada, embodying therein such provisions only as they hold to be now actually in force, and giving the authorities on which they believe them to be so, and have suggested such amendments as they think desirable, stating such amendments separately and distinctly, with the reasons on which they are founded ; and have in all respects complied with the requirements of the said Act as regards the said Code and amendments ; and whereas the said Code with the amendments suggested by the said Commissioners, has by command of the Governor been laid before the Legislature in order that the said Code with such amendments as may be adopted by the Legislature, may be made law by enactment ; And whereas such of the amendments suggested by the Commissioners and such other amendments as are mentioned in the resolutions contained in the Schedule hereunto annexed, have been finally agreed to by both Houses : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The printed roll attested as that of the said *Code of Civil Procedure of Lower Canada*, under the signature of His Excellency the Governor General, that of the Clerk of the Legislative Council, and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof reported by the Commissioners as containing the existing law without amendment ; but the marginal notes, and the references to existing laws or authorities at the foot of the several articles of the said Code, shall form no part thereof, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected.

Attested printed Roll of the Code of Civil Procedure to be deemed the original.

As to marginal notes, and references.

2. The Commissioners under the Act mentioned in the preamble of this Act, shall incorporate the amendments mentioned in the resolutions contained in the schedule to this Act, with the said Code of Civil Procedure as contained in the roll aforesaid, adapting their form and language (when necessary) to those of the said Code, but without changing their effect, inserting them in their proper places, and striking out of the said Code any part thereof inconsistent with the said amendments.

Amendments to be inserted by Commissioners.

3. The Governor may also select any Acts and parts of Acts passed during the present session, which he may deem it advisable to be incorporated with the said Code, and may cause them to be so incorporated by the said Commissioners, in the manner hereinbefore prescribed with respect to the amendments above mentioned, striking out of the Code or amendments any part thereof inconsistent with the Acts or parts of Acts incorporated therewith.

Acts of present Session may be incorporated.

What changes
the Commis-
sioners may
make.

4. The Commissioners may alter the numbering of the Titles and Articles of the said Code or their order if need be, and make the necessary changes in any reference from one part of the Code to another, and may correct any misprint or error whether of commission or omission, or any contradiction or ambiguity, in the original Roll, but without changing its effect.

Reprinting the
Code as finally
corrected.

5. So soon as the said work of incorporation and correction shall have been completed, the said Commissioners shall cause the Code to be reprinted as amended and corrected, carefully distinguishing in such reprint the substantive amendments and additions made in or to the original Roll, and shall submit the same to the Governor, who may cause a correct printed Roll thereof, attested under his signature and countersigned by the Provincial Secretary, or one of the Assistant Provincial Secretaries, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof; any such marginal notes or references thereon as are mentioned in section one, being held to form no part thereof, but to be inserted for convenience of reference only.

Deposit of
attested copy,
&c.

Code to be
brought into
force by
Proclamation.

6. The Governor in Council may after such deposit of the Roll last mentioned, declare by Proclamation the day on, from and after which the said Code as contained in the said Roll shall come into force and have effect as law, by the designation of "The Code of Civil Procedure of Lower Canada," and upon, from and after such day the said Code shall be in force accordingly.

How to be
distributed.

7. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Code, which shall be distributed in such numbers and to such persons only as the Governor in Council may direct.

Act and
Proclamation
to be printed
with it.

8. This Act and the proclamation mentioned in section six, shall be printed with the copies of the said Code printed for distribution as aforesaid.

Inconsistent
enactments
repealed.

9. So much of the Act cited in the preamble as may be inconsistent with this Act is hereby repealed.

SCHEDULE.

RESOLUTIONS

Containing the amendments to be made in the Printed Roll of the Code of Civil Procedure of Lower Canada, and referred to in the foregoing Act.

RESOLVED—

1. That article 2 be struck out and the following inserted instead thereof :

2. The following days are non-juridical :

1. Sundays ;
2. New Year's Day, the Epiphany, the Annunciation, Good Friday, the Ascension, *Corpus-Christi*, St. Peter and St. Paul's Day, All Saint's Day, the Conception, and Christmas Day ;
3. The birthday of the Sovereign ;
4. Any day appointed by royal proclamation or by proclamation of the governor as a day of general fast or thanksgiving ; but any writ of summons or other judicial process, which shall, before such proclamation have been made returnable on a day so appointed, may be returned by the next following juridical day ;

2. That after article 25*bis* the following be inserted :

25ter. The provisions of article 17 of the Civil Code apply to this code.

Any copy of this code or of the Civil Code of Lower Canada, or any extract of either of the said codes printed by the printer duly authorized by Her Majesty, are deemed authentic.

3. That after article 31 the following be inserted :

32. If a party proceeding *in forma pauperis* obtains judgment in his favor, the other party may be condemned to pay costs, including those of the officers of justice who are then entitled to obtain payment thereof from such party by way of distraction.

No more than one execution can however be issued for all the taxed costs remaining unpaid ; it is issued at the instance of the prothonotary or of any party interested, and the moneys are returned into the office of the prothonotary, who pays the same free of charge to the parties entitled thereto.

4. That article 48 be struck out and the following inserted instead thereof :

48. The writ must state the names, the occupation or quality and the domicile of the plaintiff, and the names and actual residence of the defendant.

In actions upon bills of exchange, promissory notes, or other private writings whether negotiable or not, it is sufficient to give the initials of the christian or first names of the defendant, such as they are written upon such bills, notes or instruments.

When a corporate body is a party to the suit, it is sufficient to insert its corporate name and to indicate its principal place of business.

5. That article 54 be struck out and the following inserted instead thereof :

54. No summons can be served before seven o'clock in the morning, or after seven o'clock in the afternoon.

This provision however does not apply to cases of *capias ad respondendum*.

6. That after article 56 the following be inserted :

57. In all cases in which the defendant resides in the same domicile with the plaintiff he must be served personally, unless the judge allows otherwise.

7. That after article 63 the two following be inserted :

64. Church *fabriques* and vestries are served by leaving copies of the summons separately with the *curé* or rector, or the person performing his functions in the parish, and with the acting church-warden.

65. Service upon masters or captains of ships or other mariners, who have no domicile in Lower Canada, may be made on board the ship they belong to, speaking to a person in the ship's employ.

8. That after article 80 the following be inserted :

81. If the writ is not returned, as hereinabove provided, the defendant may obtain the benefit of a default against the plaintiff and be discharged from the suit, with costs, upon filing the copy of the writ served upon him.

9. That at the end of article 88, the following words be added : " or to make any other proof."

10. That after article 93 the following be inserted :

94. If the person who appears as defendant in order to confess judgment, is unknown to the prothonotary, the latter must require him to produce the copy of the summons, or to procure the counter-signature of an attorney at law.

11. That after article 96 the following be inserted :

97. If there are several defendants in the same suit, some only of whom confess judgment, the plaintiff may proceed upon such confession to recover against those who have acknowledged their indebtedness, saving his right to continue the suit against the others.

12. That after article 100 the following be inserted :

101. Any person in possession of a document filed and forming part of a record, or having taken or received it, may, upon motion, be coerced by imprisonment to return the same, without prejudice to his liability for damages.

13. That article 112 be struck out and the following inserted instead thereof :

112. No plea containing a preliminary exception can be filed unless it is accompanied by a deposit of such sum of money as is fixed by the rules of practice of the Court.

14. That after article 123 the following be inserted :

124. The delay allowed to call in warrantors is eight days after service of the principal demand, exclusive of whatever time may be required to summon the warrantors pursuant to the provisions of article 74.

15. That after article 130 the following be inserted :

131. If such person fails to put in security within such time as the court may fix, the opposite party may obtain a judgment of non suit.

16. That article 145 be struck out and the following inserted instead thereof :

145. No particular form of words is required in pleading ; but every fact the existence or truth of which is not expressly denied or declared to be unknown is held to be admitted.

17. That at the end of article 146, the following paragraph be added :

In the case of promissory notes or bills of exchange payable at a particular place, they are presumed, as against the maker or acceptor, to have been presented at that place at maturity, unless the exception founded upon want of such presentation is accompanied with an affidavit that at the time they became due, provision had been made for their payment at the specified place.

18. That article 147 be amended by inserting after the word "grounds," in the second line, the words "in the same plea."

19. That article 161 be struck out and the following inserted instead thereof :

161. Besides the action of improbation which may be brought as a principal and direct action, any party in a suit may proceed by improbation against any authentic document produced by the opposite party, and even against a return of the sheriff or of any other judicial officer.

Nevertheless as regards simple services of summons or of notice, the return may be contested on motion without an improbation, unless the court otherwise orders.

If the contestation be deemed frivolous the contesting party may be condemned to pay double costs.

The court may, according to circumstances, grant leave to amend the return by supplying any omissions or correcting any errors therein which might be grounds of improbation.

20. That after article 164 the following be inserted :

165. The petition must be accompanied by a deposit in the prothonotary's office of a sum fixed by the court, to meet the costs to be incurred, in whole or in part, in the event of the improbation being dismissed.

21. That after article 176 the following be inserted.

177. The provisions of this section, except those of article 165, are observed, in so far as they apply, with regard to direct actions of improbation.

22. That after article 220 the two following be inserted :

221. In the case of articles 216, 217 and 218, the party who desires to be paid such costs must make a special application for that purpose, at the time of the hearing on the merits, and accompany his application with a statement of such facts as the opposite party has unjustly denied, and of the costs incurred in proving such facts.

222. In rendering judgment upon the merits, the court also adjudicates upon the application for such costs.

23. That article 225 be struck out and the following inserted instead thereof :

225. Parties may be summoned to answer interrogatories upon articulated facts by means of a process issued in the name of the Sovereign by the prothonotary upon a written requisition to that effect and ordering the party to appear before the court or the prothonotary to answer the interrogatories to be put to him.

24. That article 243 be amended by substituting for the words "after the return" in the fifth line, the words "after the service."

25. That article 254 be struck out and the following inserted instead thereof :

254. Any party to a suit may be subpoenaed, examined, cross-examined and treated as a witness, but his evidence cannot avail himself ; the adverse party may however declare, before he closes his proof that he does not intend to avail himself of his testimony and in such case it is deemed not to have been given.

26. That at the end of article 254, the following paragraph be inserted :

The answers given by a party thus examined as a witness may be used as a commencement of written proof.

27. That after article 263 the following be inserted :

264. Deaf mutes, who can read and write, may be admitted as witnesses, their oath or affirmation and their answers being written down by themselves.

28. That article 270 be amended by striking out paragraphs 2, 3 and 4.

29. That article 273 be struck out.

30. That after article 276 the following be inserted :

277. When witnesses are called to prove the identity of any object in the possession of one of the parties, the court or judge may order that the party shall, either in court or in any other convenient place or time, exhibit such object to the witnesses thus called to give evidence concerning it ; and in default of his so exhibiting the object, it will be held to have been identified.

The court may likewise order any witness who is in possession of any object which is the subject of the litigation, to produce it, under the same penalties, in case of default, as for refusing to answer pertinent questions.

31. That article 311 be amended by adding, "by the plaintiff" after the word "made" in the first line ; and adding after the words, "or judge" in the fourth line the following : "It must be made by the defendant within four days after the closing of the plaintiff's proof."

32. That articles 326 and 326bis be struck out and the following inserted instead thereof :

326. The investigation must be made by three experts agreed upon by the parties, unless they agree to its being made by one only.

33. That article 329 be struck out and the following inserted instead thereof :

329. The parties are bound to attend on the day appointed, and if they then fail to agree upon the three experts the judge appoints such experts for them.

In the case of any of the experts being validly recused, others are appointed in their stead, in the manner above prescribed.

34. That article 339 be struck out and the following inserted instead thereof :

339. If all the experts agree, they make one and the same report, if not, each of them makes his separate report if he thinks proper.

35. That article 347 be struck out and the following inserted instead thereof :

347. Experts, accountants, practitioners and arbitrators may demand that the amount of their remuneration, costs and disbursements

disbursements be paid into court previously to the opening of their report and subject to the order of the court.

If they do not demand this deposit they have a recourse against all the parties to the suit jointly and severally.

36. That article 363 be amended by exempting absolutely without the necessity of any notice :

Members of the Clergy, members of the Executive Council, of the Legislative Council and of Legislative Assembly ; practising Advocates and Attorneys, Prothonotaries, Clerks of the Peace and Clerks of the Circuit Court, Sheriffs, Coroners, officers of Her Majesty's Courts, Gaolers, Keepers of Houses of Correction, officers of the Army or Navy on full pay, licensed Pilots, Schoolmasters not exercising any other profession, and all persons engaged in the running of railway trains.

37. That article 364 be amended by adding at the end thereof the following: "and also by striking from the list the names of such persons as are returned by the sheriff, or are declared by the court in any pending suit, to be dead, or absent, or disqualified."

38. That article 369 be amended by substituting for the word "summoned" in the third line the following, "included in the special list last previously made."

39. That after article 373, the following be inserted :

374. If the party who has demanded a trial by jury fails to proceed with diligence upon his demand, the opposite party may either adopt the necessary proceedings for the calling of a jury or may obtain leave from the court or a judge to inscribe the case for proof in the manner indicated in the chapter on proof.

40. That article 379 be amended by substituting \$25 for \$10.

41. That paragraph 5 of article 387 be struck out.

42. That article 406 be struck out and the following be inserted instead thereof.

406. The plaintiff first opens his case, and adduces his evidence.

The defendant next proceeds with his defence, having the option of addressing the jury either before or after adduction of his evidence.

The plaintiff is afterwards entitled to reply, but if he adduces evidence in rebuttal, the defendant may comment upon such evidence before the reply of the plaintiff.

43. That article 411 be struck out.

44. That article 437 be struck out and the following inserted instead thereof :

437. Whenever the verdict of a jury is upon matters of fact in accordance with the allegations of one of the parties, the court may, notwithstanding such verdict, render judgment in favor of the other party if the allegations of the former party are not sufficient in law to sustain his pretensions.

45. That after article 466 the following be inserted :

466bis. Any two or more judges residing in the same district, must sit at the same time, and at the same place, but in separate apartments, in term or in vacation, and each of such judges has the same jurisdiction for hearing and determining all cases and matters submitted to him as if he were the only judge sitting at such place.

46. That after article 479 the following be inserted :

479bis. Any party may, on giving notice to the opposite party, renounce either a part only or the whole of any judgment rendered in his favor and have such renunciation recorded by the prothonotary ; and in the latter case the cause is placed in the same state in which it was before the judgment.

47. That at the end of article 496 the following paragraph be inserted :

5. Upon every judgment or order rendered by a judge in summary matters, under the provisions contained in the third part of this code.

48. That article 509 be amended by striking out the first paragraph.

49. That article 510 be struck out and the following inserted instead thereof :

510. Petitions for revocation of judgment cannot prevent or stay execution, unless an order to suspend is granted by the court or judge.

50. That the first paragraph of article 555 be struck out, and the following inserted instead thereof :

555. Seizure of moveables in execution takes place under a writ addressed to the sheriff of the place where the moveable property of the defendant is situated, ordering him to levy the amount of the debt, interest if any is due, and the costs both of the suit and of the execution ; and such writ is made returnable on or before a day certain.

If there be no moveable property to seize, the writ may be addressed either to the sheriff of the district in which judgment was rendered, or to the sheriff of the district in which the defendant has his domicile.

51. That article 563 be struck out and the following inserted instead thereof:

563. The sheriff or bailiff, upon an order from the judge, granted for cause shewn, upon application in writing by the party suing out the writ, may have effects seized in the country parts removed to the nearest town, or some other place specified, in order that he may there sell them.

52. That after article 563 the two following be inserted :

564. If current money is seized, mention of its kind and quantity must be made in the inventory, and it must be returned with the other moneys levied.

565. Debentures, promissory notes, whether negotiable or not, shares in banks, or other commercial or industrial associations, and other documents of commercial value, payable to order or to bearer, bank-notes included, are liable to seizure, and may be sold like all other moveable effects belonging to the debtor.

53. That article 574 be struck out and the following inserted instead thereof:

574. Seizures in execution can only be made between the hours of seven in the morning and seven in the evening, except in cases of fraudulent removal, and may if necessary be continued on following days, affixing seals or placing guards.

54. That after article 576, the following be inserted :

577. If the moveables have already been seized and the debtor dispossessed, the creditor making a second seizure is bound to name the same guardian, who can only be discharged by the sale of the property so seized, the consent of all the seizing parties, or the order of a judge.

55. That at the end of article 578 the following paragraph be inserted :

If, when there is no opposition, the seizing party does not bring the moveables to sale within the delay fixed for the return of the writ, the seizure lapses, unless the delay for the return of the writ is extended by order of a judge to a certain subsequent day, which order the prothonotary must note down in the entry-book of executions.

56. That after article 599 the following be inserted :

600. Immediately after the sale, the costs thereof, including the pay of the appointed guardian, must be taxed by a judge or by the prothonotary, subject in the latter case to revision.

57. That at the end of article 606 the following paragraph be inserted :

The plaintiff is next paid his costs of suit, taxed as in an uncontested case in which no proof is taken.

58. That at the end of article 618 the following paragraph be inserted :

The judgment creditor has a right to be present when the garnishee makes his declaration, and to put him any questions tending to prove any obligation of the garnishee towards the judgment debtor, saving all objections, which a judge, if present, may decide at once, or which, otherwise, the prothonotary must note down for subsequent decision thereon by the court.

59. That at the end of article 627 the following paragraph be added :

The salary of school teachers.

60. That the second paragraph of article 633 be struck out.

61. That article 641 be struck out and the following inserted instead thereof.

641. When the sheriff has seized an immoveable upon a defendant, he cannot seize it again at the suit of another creditor, or of the same creditor for another debt, as long as the first seizure subsists ; but he is bound to note any subsequent writ of execution as an opposition for payment upon the first writ ; and in such case the first seizure cannot be abandoned nor suspended, except in consequence of oppositions applicable as well to the seizing creditor as to those whose writs of execution have been noted as oppositions, or with their consent, or by an order of a judge.

62. That after article 641 the following be inserted :

642. In the event of the seizing creditor abandoning the seizure, or receiving payment of his claim, the sheriff is bound to continue the proceedings in the name of the seizing creditor, and at the cost of the judgment creditors whose writs have been noted, in order to satisfy the claims specified in the subsequent writs of execution, provided the seizure was made with all requisite formalities.

63. That after article 644 the following be inserted :

645. The immoveables seized remain in possession of the judgment debtor until the adjudication.

But if the sale be prevented by any opposition, the seizing creditor may, according to circumstances and in the discretion of the court, obtain the appointment of a sequestrator to receive the rents, issues and profits of the immoveables.

64. That after article 683 the following be inserted :

684. The adjudication of an immoveable cannot be made before the expiration of a quarter of an hour from the time at which it was put up for sale, and after that delay, the officer before adjudging it must receive all other bids offered.

65. That after article 696 the following be inserted :

697. The sheriff in whose hands a writ has been placed in order to the sale of the immoveables of a debtor, is bound, on pain of being liable for all costs and damages, to return such writ on the day appointed, together with a certificate of his proceedings, the minutes of seizure, a duplicate of the advertisements, with a certificate of their publication and of the oral publications, the minutes of the bidding, the conditions of sale, a statement of his fees and disbursements taxed in conformity with article 705, the certificate of the hypothecs charged upon the immovable seized, and all oppositions placed in his hands or writs of execution which he has noted as oppositions. If there be a return of *nulla bona* it must be made forthwith without waiting until the day fixed for the return of the writ.

If the debtor is an insolvent trader, the moneys must, on application to that effect, be given into the hands of the assignee, together with the certificate of hypothecs.

66. That after article 702, the following be inserted :

703. After the plan and book of reference have been deposited in any registry office, conformably to the provisions of article 2168, of the Civil Code, the Governor may, by an Order in Council change the form of certificate to be given by the registrar as hereinabove prescribed ; and every such order shall be published in the Canada Gazette, and shall take effect from and after the day therein named, provided such day be not less than one month after the publication of such order.

67. That at the end of article 719 the following paragraph be inserted :

They are not necessary for claims resulting from municipal or school taxes, or assessments for the building or repairing of churches, parsonages and church-yards ; and it is sufficient that a statement of such claims, certified by the secretary-treasurer or other authorized agent of the corporation, be filed in the hands of the sheriff, or prothonotary, together with the necessary exhibits.

Claims for arrears of *cens et rentes*, or other rents constituted in their stead, may be made by filing a statement thereof under the signature of the seignior or creditor or of his agent.

68. That at the end of article 730 the following paragraph be inserted :

In the case of neither party furnishing the requisite security, the amount of the conditional claim may be placed in the hands of a sequestrator or depositary upon whom the parties agree, or whom the court names of its own accord.

And that at the end of the first paragraph the following words be added : " and paying the interest, when the case requires it, to such persons as the court may order. "

69. That after article 734 the following paragraph be added :

A creditor whose claim is registered is collocated in the same rank, for such taxed costs only as are incurred in the court in which he originally brought the suit for the recovery of his claim. His costs in appeal rank only according to the date of their registration.

70. That article 747 be struck out and the following be inserted instead thereof :

747. The right of contesting claims, oppositions or collocations belongs to whichever of the interested parties is first to use it.

A party whose claim or collocation is contested is not bound to answer more than one of several contestations founded on the same grounds, and he may apply to have such contestations united and the proceedings thereon conducted between him and the first contesting party, all notices required being served upon the other contesting parties, who have a right to watch the proceedings and even to be put in the place of the party who has taken up the contestation in the event of his withdrawal or of his neglect or refusal to proceed.

71. That after article 750 the following be inserted :

751. If in any distribution, whether homologated or not, a creditor is collocated for any sum that is not due to him, the court, upon a declaration of the creditor to that effect, may order a supplementary distribution of the sum thus allowed him.

If the person thus collocated fails to declare what he has previously received, the judge may, upon the application of any party interested and on production of an authentic discharge order a supplementary distribution of the amount of such collocation.

If there be no authentic discharge the person thus collocated must be called in, upon application to the court or judge, and in such case the provisions of article 741 apply.

If the person collocated has no known domicile in Lower Canada, or if he is dead and his legal representatives are not certainly known, the judge may, upon a certificate of the fact, order them to be called in in the manner provided in article 67.

72. That after article 760 the two following be inserted :

761. Any party aggrieved by a judgment of distribution may seek redress by means of an appeal, or a petition in revocation, if there are grounds for it.

Any creditor mentioned in the registrar's certificate, who has not appeared in the suit, may likewise, within fifteen days, seek redress by a simple opposition to the judgment.

762. In the event of a judgment of distribution being reformed, or of the adjudication being set aside, or of the eviction of the buyer or his representatives by reason of any right from which the property was not discharged by the sale, whatever sums may have been unduly paid must be returned to the sheriff,

sheriff, and the parties are bound to pay back such moneys upon an order from the court to that effect.

73. That after article 764 the following be inserted :

765. The debtor must give the plaintiff notice of the filing of the statement and of his declaration of abandonment.

74. That after article 768 the following be inserted :

769. If the plaintiff fails to take steps for the appointment of a curator, the defendant or any other party in the suit may do so, with the observance of the same formalities.

75. That article 790 be amended by substituting " fifty dollars " for " forty-eight dollars and sixty-six cents," and adding " except in the case of article 797 " after the words " imprisoned " in the first line.

76. That at the end of article 796 the following words be added : " subject to a right of action by the latter to recover damages, upon establishing by proof against the creditor a want of probable cause."

77. That article 800 be struck out.

78. That after article 801 the following be inserted :

802. If the demand be founded upon a claim for unliquidated damages, the writ of *capias* cannot issue without a judge's order after examining into the sufficiency of the affidavit ; and the affidavit in such case must state the nature and amount of the damages sought and the facts which gave rise to them, and the judge may in his discretion either grant or refuse the *capias* and may fix the amount of the bail upon giving which the defendant may be released.

79. That article 805 be struck out and the following be inserted instead thereof :

805. It is not necessary that the declaration or statement of the demand should be served upon the defendant at the time of his arrest, but it suffices to leave a copy of it either with him or at the office of the prothonotary within the three days which follow the service.

80. That after article 823 the following be inserted :

824. If the court or judge orders the defendant to be discharged, the plaintiff may obtain a suspension of the order, by declaring immediately his intention to apply for its revision and depositing the amount required by article 500. He may also appeal from the judgment in revision by declaring immediately his intention to that effect, and causing notice of appeal to be given within three juridical days from the rendering of the judgment in revision.

If the plaintiff fails to comply with these formalities the defendant is discharged.

81. That after article 832 the following be inserted :

833. The sheriff however is not bound to receive the defendant, without a written requisition to that effect signed by the sureties or by one of them, or by their authorized attorney.

The requisition must contain the title of the court, the names of the parties to the suit and of the sureties, and must require the sheriff to take the debtor into his custody ; and it is the duty of the sheriff to give the sureties a certificate of such surrender.

If the sureties apprehend resistance, then upon an affidavit of one of them, alleging their suretyship, sworn to before a judge, the prothonotary, a Commissioner of the Superior Court, or a justice of the peace of the district in which the debtor then is, and upon a requisition to that effect written upon the back of the affidavit, any bailiff or constable may arrest the debtor, with such forcible assistance as may be necessary, and hand him over to the sheriff.

82. That article 834 be amended by inserting after the word " affidavit " in the fourth line the following words :

" of his own or of any other competent person."

83. That article 835 be struck out and the following be inserted instead thereof :

835. If the claim is founded on unliquidated damages, the writ of attachment cannot issue without the order of a judge after examining into the sufficiency of the affidavit, which, moreover, must state the nature and amount of the damages claimed and the facts which gave rise to them, and the judge may in his discretion either grant or refuse the writ, and fix the amount of the bail upon giving which the property may be released.

84. That article 847 be struck out.

85. That after article 850 the following be inserted :

851. A copy of the writ of attachment must be left with the defendant, as well as a duplicate of the seizure, as soon as it is completed. As regards the declaration, it may be served at the same time as the writ or within three days after the seizure, by leaving a copy thereof either with the defendant or at the prothonotary's or clerk's office.

86. That article 866 be amended by striking out the words " by motion " and all the words after " capias "

87. That article 868 be amended by substituting the following instead of the second paragraph.

The name of the person upon whose affidavit the writ issues is endorsed upon the writ.

88. That at the end of article 876 the following paragraph be inserted :

An attachment in recaption must be served upon the new lessor, who must also be summoned to shew cause against its execution.

89. That article 879 be struck out and the following be inserted instead thereof:

879. All demands for sequestration are made by petition to the court or to a judge. It may also, according to circumstances, be ordered by the court without being demanded by the parties.

90. That article 903 be amended by inserting after the word "interest" the words "or two years of any constituted or other rent."

91. That at the end of article 907 the following paragraph be inserted:

If there is no church, then the notice must be posted up in the registry office of the locality.

92. That after article 933 the following be inserted:

934. If the plaintiff fails to proceed with the publication of such notice within fifteen days from the judgment of licitation, any other party may do so, and the first who takes such proceedings has the preference, and has alone the right to be paid the costs of the licitation.

93. That article 936 be struck out and the following be inserted instead thereof:

936. If any opposition to secure charges, to withdraw, or to annul, or any other proceeding incidental to the licitation cannot be decided before the day fixed for sale, the licitation is suspended, and when rendering judgment upon such opposition the court may, if necessary, fix another day upon which the sale may be proceeded with, after the parties have caused another notice, in the same form as the first, in so far as it can apply, to be published in the *Canada Gazette*, at least three weeks before the day thus fixed.

94. That article 938 be amended by substituting "thirty days" for "fifteen days," and adding the following paragraph:

When the adjudication is completed and the purchaser has complied with the conditions by paying the moneys which are to be deposited in court, the prothonotary must prepare a deed of sale which may be drawn similarly to a sheriff's deed, in so far as the provisions of article 689 are applicable.

95. That the first paragraph of article 951 be struck out and the following inserted instead thereof:

951. The applicant must, moreover, file with his application a certificate from the registrar or registrars within whose divisions the immovable is or was situated, mentioning all hypothecs registered previously to the registration of the deed of which ratification is applied for.

96. That article 970 be amended by striking out all the words from the beginning of the second paragraph to the word "trader" inclusively.

97. That after article 975 the following be inserted :

976. The wife's renunciation of the community must be registered in the registry office of the division in which the husband was domiciled at the time that the suit was brought.

98. That after article 977 the following be inserted :

" No married woman, separated as to property, can carry on trade until she has delivered to the prothonotary of the district and the registrar of the County in which she intends carrying on trade, a declaration in writing stating her intention, her names and surname and those of her husband, and the style under which she proposes carrying on such business ; and the delay allowed her for doing so and the penalties to which she is liable in case of contravention are the same as those provided for commercial partnerships in chapter 65 of the Consolidated Statutes for Lower Canada. This declaration is entered and transcribed in the same registers as the declarations concerning the partnerships mentioned in the said statute.

All married women, separate as to property, and carrying on trade at the time of the coming into force of this Code are bound to comply with the above mentioned formalities within six months from such time.

99. That after article 985 the following chapter be inserted :

CHAPTER SEVENTH.

OF OPPOSITIONS TO MARRIAGE.

986. Every opposition to a marriage must be accompanied with a notice indicating the day and hour at which the opposition will be presented to the Superior Court, or to a judge of such court.

987. The opposition and notice must be served both upon the person called upon to solemnize the marriage and upon the intended consorts, or the persons who represent them, the same delays being observed as for summoning in the Circuit Court.

988. The proceedings upon the opposition are summary, and conducted in the same manner as those in suits between lessors and lessees.

989. If the opposant fails to present his opposition upon the day fixed, any person interested may obtain judgment of non-suit against him, upon filing a copy of the opposition served upon such person ; and upon receiving a copy of such judgment the person called upon to solemnize the marriage may proceed.

990. If the opposant fails to proceed in the manner prescribed the opposition is declared abandoned.

991. The court or judge before rendering judgment upon the opposition may, if there be cause for it, summon before him the relations, or in default of relations, the friends of the intending consorts, when they are minors, in order that they may give their opinion upon the intended marriage, and that such further action may be had as to law may appertain.

992. An appeal lies to the court of Queen's Bench from judgments rendered on such oppositions, the same formalities being observed as in appeals from the Circuit Court, and such appeals take precedence over others.

100. That after article 1005 the following be inserted :

1006. He is bound to give notice of his appointment by an advertisement to be inserted at least twice in two newspapers designated by the court or judge.

101. That article 1009 be struck out and the following inserted instead thereof :

1009. If there are no debts due by such corporation, or if such debts are not known, then the curator must proceed to the sale of the immoveables to the highest bidder, after giving notice of such sale, in the same manner as the sheriff does in executions against the immoveables of a debtor.

102. That article 1044 be struck out and the following inserted instead thereof :

1044. The court may direct one or more issues for the trial of the facts alleged in the return, and such issues are tried either by affidavit or by the examination of witnesses before the court or judge, as such court or judge may think proper.

103. That at the end of article 1059 the following words be added : "and the provisions of article 466 *bis* apply to it."

104. That after article 1073 the following paragraph be inserted :

With the consent of all the parties the proof may be written down at length, and the clerk of the Circuit Court may receive the depositions and swear the witnesses in the absence of the Judge ; or it may be taken before an examiner, in each case according to the rules prescribed for the Superior Court.

105. That article 1079 be struck out and the following inserted instead thereof :

1079. Writs of execution for the payment of a sum of money issue against the moveable property of the debtor situated either in the district in which the judgment was rendered or in any other district. In the first case it is addressed to a bailiff, who is bound to elect a domicile for the judgment creditor in the locality within which the seizure is made, and who is empowered to levy the amount in conformity to the rules prescribed for seizures by the sheriff, without however being entitled

entitled to demand or retain any commission on the moneys levied. In the second case the writ may be addressed either to the bailiff in like manner, or to the sheriff of such other district.

106. That article 1083 be amended by inserting at the end of the first paragraph the following words : " in which the judgment was rendered or in any other district.

107. That after article 1094 the following be inserted :

1094bis. If the defendant fails to appear or to plead in any case returnable in term, the plaintiff may at any time proceed to judgment in the same manner as if the action were returnable in vacation.

108. That articles 1109, 1109*bis*, 1109*ter*, 1109*quater* be struck out and the following inserted instead thereof :

1109. If either of the parties is aggrieved by the judgment he may inscribe the case for hearing before three judges of the Superior Court, according to the provisions contained in articles 496 and following.

109. That article 1110 be struck out.

110. That article 1117 be struck out and the following inserted instead thereof :

1117. Proceedings in error or in appeal must be brought within a year from the date of the judgment, saving the cases provided for by articles 823, 1029 and 1033 ; this delay of a year is binding even upon minors, women under coverture, persons of unsound mind or interdicted, and upon persons absent from Lower Canada, when those who represent them, or whose duty it is to assist them, have been brought duly into the suit.

If the party dies before appealing, the delay is reckoned only from the day of his death, against his heirs or legal representatives.

Proceedings in error or in appeal cannot, however, be taken during the delay allowed for demanding a review before three judges, nor during the proceedings for such review.

In cases of judgment by default in vacation, the delay for appealing runs only from the expiration of the time allowed for filing an opposition thereto.

111. That after article 1128 the following be inserted :

1129. The respondent unless the court otherwise orders, may, within eight days next after the period allowed for filing his appearance, set up by motion all grounds of exception or of demurrer and all grounds of defence resulting from :

1. Informalities in the issuing or service of the writ ;
2. Insufficiency of the appeal bond ;
3. Non-existence or forfeiture of the right to proceed by error or appeal ;

4. Acquiescence in the judgment.

112. That the first paragraph of article 1197 be struck out and the following inserted instead thereof:

1197. Either party may evoke the case to the Circuit Court for the district when the contestation relates :

113. That after article 1199 the following be inserted :

1200. In default of such security being given within the delay fixed by the court the party forfeits his right of evocation, and the commissioners' court may proceed to hear and determine the case without regard to the improbation.

114. That article 1210 be struck out.

115. That article 1225 be amended by substituting the words "to the court or to a judge" for the words "in open court."

116. That at the end of article 1237 the following paragraph be inserted :

A copy of the title *Of Acts of Civil Status*, in the Civil Code, and of the first, second and third chapters of the title *Of Marriage* in the same code, must be attached to such duplicate.

117. That after article 1245 the following words be added :

"unless the document be of such a nature that it should be registered."

118. That after article 1251 the following be inserted :

1252. A similar application may be made by any party to a deed, in order to oblige any other party to the same, who is in possession of an authentic copy thereof, to deposit such copy for the same purpose, and such other party is bound to comply with the order of the court or judge in that behalf, under pain of all damages. The whole nevertheless at the costs and expense of the party requiring the deposit, who is obliged to furnish him with a copy of the deed and indemnify him for all travelling or other expenses.

119. That after article 1271 the following be inserted :

1272. If the matter relates to the investment of moneys, or to shares or stock in manufacturing or financial associations, the value thereof must be ascertained.

120. That after article 1275 the following be inserted :

1276. If no higher price is offered than the upset price, the person applying for the sale may proceed to effect a private sale ; but he can only do so within the four months which follow the authorization, and for a sum not less than the upset price.

121. That after article 1320 the following be inserted :

1321. The beneficiary heir is bound to give notice of his character as such, by an advertisement, as mentioned in article 1006.

122. That after article 1324 the following be inserted :

1325. In cases where the beneficiary heir has any claims to exercise against the succession he must cause a curator to be named, the same formalities being observed as are prescribed or the appointment of curators to vacant successions.

123. That after article 1327 the two following be inserted :

1328. Provisional possession cannot be granted until after notice has been given and published, in the manner required for the summoning of absentees, calling upon all persons who may have any rights against the succession or the property in question to bring their claims before the court.

1329. The proceedings upon such claims are the same as upon ordinary interventions.

124. That after article 1338 the following be inserted :

1339. All decisions of the court or a judge are also subject to a review by three judges of the Superior Court, according to and in conformity with the provisions contained in articles 496 and following.

125. That at the end of article 1346 the following paragraph be inserted :

The witnesses who are to be examined before the arbitrators may be sworn before the prothonotary, or the clerk of the Circuit Court, or before a commissioner of the Superior Court.

126. That after article 1353 the following be inserted :

1354. The court before whom such a suit is brought may examine into any grounds of nullity which affect the award, or into any questions of form which may prevent its being homologated ; but it cannot enquire into the merits of the contestation ; nevertheless when a penalty has been stipulated in the submission, the court may do so whenever the party contesting has paid or tendered the amount of the penalty either to the party who accepts the award or into court.

127. That after article 1354 the following article be added :

FINAL PROVISIONS.

1355. The laws concerning procedure in force at the time of the coming into force of this Code, are abrogated :

In all cases in which this Code contains any provision having expressly or impliedly that effect ;

In all cases in which such laws are contrary to or inconsistent with any provision of this Code, or in which express provision is made by this Code upon the particular matter to which such laws relate :

Except always that as regard proceedings, matters and things anterior to the coming into force of this Code and to which its provisions could not apply without having a retro-active effect the provisions of law which without this Code would apply to such proceedings, matters and things remain in force and apply to them, and this Code applies to them only so far as it coincides with such provisions.

The forms contained in the appendix to this Code, or others to the same effect may be used in the cases to which they are intended to apply.

128. That an article be framed in order to include in the Code of Civil Procedure, chapter 76 of the Consolidated Statutes for Lower Canada or any other acts or parts of acts relating to the districts and counties of Lower Canada in so far as they are connected with the administration of justice in Lower Canada.

129. That it be declared that the *banlieue* of Quebec is and always has been part of the district of Quebec.

C A P. X X V I.

An Act to facilitate the rendering of judgments in the Court of Queen's Bench and Superior Court for Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient to facilitate the rendering of judgments in the Superior Court and Court of Queen's Bench for Lower Canada, in the cases hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Change in personal composition of Court not to necessitate re-hearing.

1. No change in the personal composition of the Superior Court or of the Court of Queen's Bench, by the appointment of any Chief Justice, Puisné Judge or Assistant Judge thereof, or the death, resignation or removal to another Court of any Chief Justice, Puisné Judge or Assistant Judge thereof, shall be held to make it necessary that any cause which had theretofore been heard in review, or in error or appeal, should be reheard merely in consequence of such change, provided there be a sufficient number of judges who have heard the cause to give judgment therein.

Judge &c. removed to another Court &c., may yet sit in

2. Whenever any cause in the Superior Court, either in the first instance or in review, or any cause in appeal or error in the Court of Queen's Bench, has been heard by any Judge
or

or Assistant Judge either alone or with other Judges, and before the rendering of the judgment founded on such hearing such Judge or Assistant Judge is removed to another Court or is appointed Chief Justice or a Judge of the same or of another Court, or obtains leave of absence, such Judge or Assistant Judge may nevertheless sit in judgment in such cause as a Judge of the Court, and either alone or with other judges as the case may be, as if no such event had happened.

judgment in a cause which he has heard.

3. Whenever any cause in appeal or error has been heard by all the Judges or by a quorum of the said Court of Queen's Bench, and at least three of the Judges who heard the same are present in Court, and ready to proceed to judgment in the cause, then if any Judge who heard the cause, and would have been competent to sit in judgment therein, be prevented by sickness or other cause from being present, but has addressed a letter to the clerk or deputy clerk of the Court, containing his decision in the cause, agreeing in or dissenting from the judgment of the majority of the Court, and signed by him, or has, in testimony of his concurrence therein, signed a written decision drawn up to be delivered and delivered by any other Judge or Judges, such Judge shall be reckoned as if present for the purpose of rendering judgment in the cause, and the decision so transmitted or signed by him shall be of the same effect as if delivered or concurred in by him in Court; and such decision may be so transmitted or signed by a Judge who has been removed to another Court and who would be competent to sit and give the decision in person, under section two.

Judge in appeal &c. necessarily absent, may transmit his decision in writing in certain cases.

Such Judge to be reckoned as if present.

4. Whenever any cause in the Superior or Circuit Court has been heard in review by three Judges of the Superior Court, and at least one of the Judges who heard the same, is present in Court and ready to proceed to judgment in the cause, then if any Judge who heard the cause and would be competent to sit in judgment therein, be prevented by removal to another Court, sickness or other cause from being present, but has addressed a letter to the Prothonotary of the said Court, containing his decision in the cause signed by him, or has or had in testimony of his concurrence therein, signed a written decision drawn up to be delivered and delivered by a Judge so present, such Judge shall be reckoned as present for the purpose of rendering judgment in the cause, and the decision so transmitted or signed by him shall be of the same effect as if delivered or concurred in by him in Court; and such decision may be so transmitted or signed by a Judge who has been removed to another Court and who would have been competent to sit and give his decision in person under section two.

The same cases heard in review by Judges of the Superior Court.

5. The foregoing provisions shall apply as well to interlocutory as to final judgments.

Interlocutory judgments.

Act not to prevent express order for rehearing.

6. Nothing in this Act shall prevent the Court from ordering a rehearing in any cause if notwithstanding the provisions herein made, they deem such rehearing requisite.

Interpretation.

7. The word "Judge" in this Act includes the Chief Justice, or Assistant Judge of the Court, unless the context requires a different construction.

C A P. XXVII.

An Act respecting the Bar of Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient to repeal, consolidate and amend the Acts respecting the Bar of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Bar incorporated.

1. All Advocates, Barristers, Attorneys, Solicitors, and Proctors at Law, in Lower Canada, shall form a Corporation, under the name of "The Bar of Lower Canada," which said Corporation shall be divided into four sections, that is to say: one section for the old district of Montreal; one section for the old district of Quebec; one section for the old district of Three Rivers; and one section for the old district of St. Francis; and the Advocates, Barristers, Attorneys, Solicitors and Proctors at Law, residing in the District of Gaspé, shall form part of the section of the District of Quebec:

General list of members.

Lists for sections.

2. The names of the members of the said Corporation shall be entered on a general list, to be kept by the General Council, and the Secretary of each section shall likewise keep a similar list containing the name, christian name and residence, of each such member of his section, and such list shall be posted up in a conspicuous place in the office of the Prothonotary in each old and in each new district.

Corporation may hold real property, &c.

Powers of sections.

3. The said Corporation may sue and be sued in all Courts of Justice in Lower Canada, may acquire moveable and immoveable property by purchase, donation, bequest or otherwise, to the value of twenty thousand dollars; and each of the sections thereof may sue and be sued separately in any Court of Justice in Lower Canada, under the name of the "Bar of Lower Canada, section of the district of _____," in all matters relating to each such section respectively, and may acquire moveable and immoveable property to the value of twenty-four thousand dollars:

Actions by or against sections.

4. All actions brought by or against any of the said sections respectively, shall only affect the section concerned therein; and in all actions against the said Corporation or against any

of the said sections, service of process at the domicile of the Secretary-Treasurer of the General Council hereinafter mentioned, or at the domicile of the Secretary of the Council of the section concerned, as the case may be, shall be valid ;

3. The said Corporation and each of the said sections shall have a Common Seal ; on that of the Corporation shall be inscribed the words " Bar of Lower Canada," and on that of each of the said sections the words " Bar of Lower Canada, section of the district of ; "

Common seals.

4. The members of the said Corporation shall not be individually liable for any debt contracted by the said Corporation or any of the said sections.

Non-liability of members.

5. The Corporation may make all such by-laws, rules and orders, as it deems necessary for the interior discipline and honor of the members of the bar ;—to regulate the admission of candidates to the study or practice of the law,—for the management of the property of the Corporation—and, generally, all by-laws, rules and orders of general interest to the said Corporation and the members thereof, and necessary to ensure its well working ; which said by-laws, rules and orders, the said Corporation may change, alter, modify or repeal, whenever it shall deem necessary :

Corporation may make By-laws.

6. The said by-laws, rules and orders, shall not be contrary to the laws of Lower Canada nor to the provisions of this Act.

Not contrary to law.

7. The powers conferred on the Corporation by this Act shall be exercised by a general council, composed of the Bâtonnier elected for each of the sections of the districts of Montreal, Quebec, Three Rivers and St. Francis, who shall elect and appoint one of their number to be President, and shall elect and appoint, as to them shall seem fit, from among the members of one of the sections which they represent, a Secretary, who shall likewise be the Treasurer of the said General Council of the said Corporation, and who shall be a member of the General Council.

General council to exercise powers of corporation : how composed.

COUNCILS OF SECTIONS AND THEIR OFFICERS.

8. The Council of each section shall be composed of a Bâtonnier, a Syndic, a Treasurer and a Secretary, and eight other members for each of the sections of the district of Quebec and of the district of Montreal respectively, and of three other members for the section of the district of Three Rivers, and of five other members for the section of the district of St. Francis ; and the majority of each of the said Councils respectively shall quorum form a quorum ; and all questions submitted to the said Councils shall be decided by a majority of the votes of the members present, including the Bâtonnier.

Composition of Councils of sections.

Quorum

President at meetings.

6. At the first meeting for the election of the Council of any section, the senior Advocate (reckoning by the date of his commission) then present shall preside, and shall have the casting vote; and at all other meeting of sections the Bâtonnier shall preside, or, in his absence, any other member, to be chosen by the meeting.

Elections.

7. The election of the Council of any section shall be by ballot, and shall be held on the first day of May in each year, unless such day be a Sunday or a *fête d'obligation*, and then on the next day thereafter not being a Sunday or a *fête d'obligation*; and the Council shall, immediately after the election, enter upon the execution of its functions:

Quorum for elections.

2. No such election shall take place unless there be at least twenty members of the section present at the meeting—if it be held for either of the sections of Quebec or Montreal, and eight members if it be held for either of the said sections of Three Rivers or St. Francis; and in case the election does not take place on the day appointed, for want of a quorum, or for any other cause, it shall be made at any other meeting specially called by the Secretary, or, in his absence, by the Syndic, on the order of the Bâtonnier going out of office, or on the requisition of six members of the section;

If any election fails.

Quorum of sections.

3. The quorum at all meetings of each section shall be the same as that required for the election of officers by the preceding subsection.

Semi-annual meetings.

8. A meeting of each section shall be held every six months, in the council-room of the section, on days fixed by the by-laws of the said Councils respectively:

Special meetings.

2. Special meetings may be held, which shall be called by the Secretary, or, in his absence, by the Syndic, on the order of the Bâtonnier, or on the requisition of six members of the section.

Sections may make By-laws for certain purposes.

9. The Councils of sections shall cause to be executed in their respective sections, and independently of each other, all the by-laws, rules and orders of the General Council, and may make such by-laws, rules and orders as they may deem necessary:

1. For acquiring, disposing of and managing the property of their respective sections;

2. For regulating the time and place of holding meetings of the members of the respective sections, and the mode of proceeding thereat;

3. And, generally, all by-laws, rules and orders, relative to matters concerning such sections;

4. The said by-laws, rules or orders, shall not be contrary to the provisions of this Act, nor to any of the by-laws, rules or orders passed by the General Council, nor to any law in force in Lower Canada.

10. The Council of each section shall, in and with regard to such section, have power,— Powers of Councils of sections as to—

First.—For the maintenance of the discipline and honor of the body ; and, as the importance of the case requires, to pronounce, through the Bâtonnier, a censure or reprimand against any member guilty of any breach of discipline, or of any action derogatory to the honor of the bar ; and the Council may deprive such member of the right of voting, and even of the right of assisting at the meetings of the section, for any term whatsoever, in the discretion of the said Council, not exceeding five years ; and may also, according to the gravity of the offence, punish such member, by suspending him from his functions for any period whatsoever in the discretion of the said Council, not exceeding five years, subject only to appeal to the General Council, as hereinafter provided ; Discipline.

Secondly.—To prevent, reconcile and settle all differences between members of the section concerning professional matters ; Differences.

Thirdly.—To prevent, hear, reconcile and determine all complaints and claims made by third parties against members of the bar in the section, in matters connected with their professional duties ; Complaints.

Fourthly.—To admit, upon the report of the Committees of Examination, candidates for the study or for the practice of the profession, and to decide upon their capacity and good morals ; Admission.

Fifthly.—To represent the members of the bar, whenever the interests or duties of the profession require it. Representation of Bar.

11. The Secretary of each section shall carefully record the deliberations and proceedings of the meetings of his section and of the Council of his section, and shall keep minutes thereof in a book to be kept for that purpose ; and he shall be the keeper of the archives of his section, which shall be deposited in a place of safety, to be fixed by the Council of each section : Duties of Secretary of each section.

2. He shall deliver all copies, certificates and other papers which may be required, and such copies signed and certified by the Secretary, and sealed with the seal of the section, shall be admitted and received as authentic in all Courts of Justice in Lower Canada. Copies of papers.

Duties of Treasurer.

12. The Treasurer of each section shall have the keeping of the common fund of his section, shall receive and pay all sums, the receipt or expenditure whereof is authorized, and shall render an account of his administration every year at the meeting held for the election of the Council, and whenever he shall be required by the Council so to do.

In case of absence of officers.

13. In case of the absence, illness or death of any officer of any councils, his place shall be filled up as follows, viz : that of the *Bâtonnier* by the oldest member of the Council reckoning by date of admission to the profession, and that of any other officer by an officer to be chosen temporarily by the Council ; and in case of the absence, illness or death of any of the members of the Council, the Council may fill up their places in the same manner by the same number of other members to be chosen from among the members of the section.

Duties of *Bâtonniers*.

14. The *Bâtonnier* of each section shall have a right to vote, and also shall have the casting vote at all meetings and debates, either of the Council or of the members of the section ; the *Bâtonnier* of each section may call special and extraordinary meetings whenever he deems it expedient ; he shall be vigilant in enforcing the observance of the by-laws, rules and orders, and in maintaining order at meetings ; he may call to order such members as are out of order, and also censure and reprimand them.

MEETINGS OF THE GENERAL COUNCIL.**Meetings of *Bâtonniers*.**

15. Within the month next after the annual elections of Councils of sections, the *Bâtonniers* of such Councils shall meet alternately at Montreal and Quebec, the first of such meetings being held at Montreal, to elect from among themselves the president, and from among the members of the different sections, the secretary-treasurer of the General Council of the Corporation, and also to make such by-laws as by the third section of this Act they are empowered to make :

Quorum.

2. The quorum of the General Council shall be the majority of the said Council, and any question raised shall be decided by the majority of the members present.

Duties of Secretary-Treasurer of General Council.

16. The duties of the Secretary-Treasurer of the General Council shall, with respect to the said General Council and the Corporation, be analogous to those of the Secretary and Treasurer of each section with respect to their section ; and all copies of minutes of the proceedings of the said General Council, certified by the Secretary-Treasurer of the Council, under the seal of the Corporation, shall be received as authentic in all Courts in this Province.

17. The President of the General Council shall have a right Casting vote. to vote and shall also have the casting vote at all deliberative meetings of the General Council.

OF ACCUSATIONS AGAINST MEMBERS OF THE BAR.

18. In all cases where a member of the Bar is accused of any offence and of any contravention of the provisions of this Act, before the Council of the section to which he belongs, the accusations shall be decided by a *vivâ voce* vote of guilty or not guilty, of the absolute majority of the members of the Council of the section. Accusations against members how decided.

19. The manner of proceeding on all accusations brought by the Syndic shall be as follows : Proceedings thereon.

2. Whenever the Syndic receives, on the oath of one or more credible persons, (which oath the said Syndic shall administer,) a complaint against any member of his section, affecting the honor, dignity, interests or duties of the profession, he shall submit the said complaint, without delay, to a meeting of the Council specially called for the purpose, and if it is considered by the Council, that the matter requires investigation, he shall order an accusation to be brought against such member ; Complaint submitted to Council.

3. The Syndic shall then draw up the act of accusation in the form of Schedule No. 2, hereunto annexed, which said Act shall be transmitted to the Secretary, who shall cause a copy thereof to be made, duly certified by him, and shall serve the said copy on the accused party, with an order in the name of the Bâtonnier of the section, requiring the said accused party to appear in person before the Council, on the day and at the hour and place mentioned in the said order, which said order shall be in the form of Schedule No. 3, hereunto annexed ; Act of accusation and citation.

4. The service of the act of accusation and of the order to appear, shall be made by a messenger appointed for that purpose who shall deliver copies thereof to the accused party in person, and the said messenger shall make a return on oath (to be administered by the Secretary of the section or any Judge or any Commissioner of the Superior Court) of such service ; Service.

5. All proceedings relating to accusations made before Councils of sections as aforesaid, shall be in writing, and the Secretary of such section shall be bound to take detailed notes of the testimony heard, which notes and proceedings, or any copy thereof, shall be received as valid proof before the General Council, and in any Court of Law in Lower Canada ; and all such documents of procedure shall be made up into one record ready for transmission to the General Council in case of appeal, and to be returned to the Council of the section after the rendering of final judgment ; Proceedings in writing. Notes to be taken.

By-laws touching proceedings.

6. The General Council shall determine by its by-laws the manner in which the proceedings relative to the said accusations shall be conducted before the said Councils of sections.

Council may summon witnesses.

20. Each Council shall have the right to require witnesses to appear before it by *subpœnas* in the form of Schedule No. 4, hereunto annexed, in the name of the Bâtonnier, under the seal of the section, and signed by the Secretary, and shall have the same powers with respect to compelling the attendance of witnesses to give evidence as are exercised by the Civil Courts in Lower Canada, and the *subpœnas* or other processes required in virtue of this Act shall be served through a Bailiff of the Superior Court; and any Bâtonnier or other person presiding over the Council during the accusation shall have the same power of imposing fines upon witnesses, and of ordering their imprisonment as though for contempt of Court, as any Judge sitting in any Court of Justice in Lower Canada.

Imprisonment for contempt.

Secretary to administer the oath.

21. The Secretary or any other member of the Council of the section shall administer the oath required by this Act to the witnesses or any other person; and every person guilty of any wilful false statement in any oath required by this Act, shall be guilty of perjury, and shall be liable to the penalties by law imposed therefor.

Accused may have counsel.

22. Any member accused as aforesaid may defend himself by counsel, who shall not, however, be chosen from among the Council of the section, before which such accusation is brought.

Appeal from judgment.

23. Any member accused who shall consider himself aggrieved by the final or interlocutory judgment rendered by the Council of the section in respect of the accusation made before it, shall not have power to appeal except to the General Council, in the manner hereinafter prescribed, and no judgment of the Council of one of the sections rendered in virtue of this Act shall be reversed, except by means of the appeal in this Act mentioned:

Proceedings on such appeal.

2. In order to such appeal, the member aggrieved must deposit, within thirty days after judgment shall have been rendered, in the hands of the Treasurer of the Council of the section by which such judgment shall have been rendered, fifty dollars, which sum shall be repaid to the member demanding the appeal if the judgment of the Council of the section is reversed or modified with costs, but otherwise shall be liable for the costs occasioned by the appeal as shall be decided by the judgments rendered upon such appeal; and no record shall be transmitted to the Secretary-Treasurer of the General Council, unless the deposit hereinbefore required shall have been made and the inscription of appeal shall have been duly served upon the Secretary of the Council of the section, by which such judgment was rendered; and no inscription shall be received until

until such deposit shall have been made ; if such appeal is not made within thirty days after judgment shall have been rendered, such judgment shall be executory without further delay ;

3. The serving of the inscription and the deposit shall render it obligatory upon the Secretary or other officer of the Council of the section, by which such judgment shall have been rendered at once to transmit to the Secretary-Treasurer of the General Council the record of the accusation made against the member appealing, with the inscription, the certificate of deposit together with proceedings and copies of all judgments and orders in the case and the Secretary-Treasurer of the General Council shall at once place the case on the roll of appeal ;

Transmission
of record.

4. Upon the receipt of the record the Secretary-Treasurer of the General Council shall deposit in Her Majesty's Post Office a notice post-paid, of such appeal, and of the day fixed by him for the hearing thereof, which shall not take place before the expiration of fifteen days from and after the depositing of the said notice in the Post Office ; such notice shall be addressed to the appellant and to the Bâtonniers of all the sections of the Bar of Lower Canada, requiring them to attend on the day and at the hour and place therein mentioned ;

Notice by Se-
cretary Treas-
urer.

5. In case of the absence, illness or death of any of the Bâtonniers of the said sections, he shall be replaced by the senior member of the Council, and the Secretary of such section shall deliver to such member full powers to act in the room and stead of the Bâtonnier who is not acting ;

Absence, &c.,
of Bâtonnier.

6. The Bâtonniers before whom the appeal shall be lodged, one of whom may be the Bâtonnier presiding at the time of the rendering of the judgment appealed from, or a majority of them, may confirm, reverse or alter the judgment, for reason of error either in the judgment or in any interlocutory judgment or order, and may render such judgment as ought to have been rendered, and may award costs ; and in the case of a judgment of suspension may fix the day from which such suspension shall commence ; the judgment of the Bâtonnier, together with the record, shall be forthwith remitted to the Secretary of the section from which the record was received ; and such judgment shall forthwith be registered by the Secretary, and shall stand as the judgment of the Council of the section, as if originally rendered there ;

Judgment may
be confirmed,
reversed or al-
tered.

Costs.

Remission of
record.

7. A tariff of fees payable to the Bâtonniers and to the Secretary-Treasurer of the General Council shall be prepared by the General Council, who shall decide by whom such fees shall be paid.

Tariff of fees.

24. In case of the suspension of a member of a section, the Secretary of such section shall give notice thereof to the Secretaries of the other sections, and such member, so suspended, shall

Notice of sus-
pension of any
member.

shall not practise in any Court of Justice in Lower Canada during the term of such suspension, and mention shall be made of his suspension on the general list, and on the list of the section to which he belongs, and everything by him done as an advocate after his suspension shall be absolutely null in law.

Fine on mem-
bers of the
Council absent.

25. Any member of the Council who absents himself from any of the meetings of the said Council without legitimate cause, shall incur a fine of one dollar, for every such absence.

EXAMINATION AND ADMISSION TO STUDY OR PRACTICE.

By-laws tou-
ching admis-
sion to study or
practice.

26. Every Council of a section may make by-laws to regulate the examinations for admission to the study and the practice of the profession of advocate, and shall appoint in such number as may be necessary and as hereinafter provided, committees of three or five members of the Bar, who shall have practised more than five years as advocates, and who shall not be in any way in arrears for subscriptions or other dues, to examine candidates for the study or the practice of the profession, and it shall be the duty of such committees so appointed, the quorum whereof shall be three—

Committees.

Quorum.

Duties of com-
mittees as re-
gards candi-
dates.

First. To inquire into the acquirements, capacity and morals of every candidate for the study of the profession, who shall present himself before such committee, and to make their report to the Council of the section, who, if the report be favorable, shall give such candidate a certificate of his admission as above mentioned, under the signature of the *Bâtonnier*, countersigned by the *Secretary* and under the seal of the section, and if the report be unfavorable, such candidate shall not be allowed to present himself until the next examination; the same shall be the case in respect of a candidate for admission to practice;

The same.

Secondly. To examine every candidate for admission to practice, on his legal attainments and his qualifications, and to inquire into his morals and the regularity of his clerkship; and if such candidate is found capable and qualified, and to have conformed to all the provisions of this Act, the *Bâtonnier* of the section, on the report made to him in writing to that effect, shall grant the said candidate a diploma, admitting him to the profession, which diploma shall be in the form of the Schedule No. 1, hereto annexed, and shall be sufficient to authorize the party obtaining such diploma, to practise as an Advocate, Barrister, Attorney, Solicitor and Proctor at law, in all Courts of Justice in Lower Canada, on the said candidate so admitted taking an oath well and truly to perform his professional duties, which oath shall be administered by the *Secretary* of the section, who shall make a note thereof on the diploma;

Granting diplo-
ma.

2. The said diploma shall be registered at length, in the registers of the section from which the said diploma is issued, in a book kept by the Prothonotary of the Superior Court of the district in which the section is situate, and also in the registers of the General Council, and for each such enregistration the party obtaining such diploma shall pay one dollar; Registration of diploma.

3. Notice in writing shall be given by the candidate to the Secretary of the section at least one month previous, that he intends to present himself to be admitted to study, or to be admitted to practice, which notice shall be posted up by the Secretary in the place where the meetings of the section are generally held, and shall mention the day on which the examination of such candidate or aspirant will take place; Previous notice by candidate.

4. Meetings for examinations for admission to study or practice shall take place and be held on the day, and at the hour and place fixed by the by-laws of the several sections, provided that such meetings shall be held at least once in every three months; and if such examination cannot take place or be concluded on the day fixed, the committees appointed to examine may adjourn from day to day, until the examination of all the candidates shall be concluded. Meetings for examination of candidates.

27. No person shall be admitted to examination for admission to the study or the practice of the profession unless he shall have paid into the hands of the Treasurer of the Council of the section the sums hereinafter mentioned, and no person shall be admitted to the study of the profession unless it appears to the committee appointed to enquire into the qualification of the candidate that the candidate is sufficiently acquainted with the English or the French language, and with the Latin language, and that he has received a liberal education subject to the provisions hereinafter contained, and such candidate, after having received the certificate mentioned in the twenty-sixth section, shall cause his articles, passed before notaries, to be registered in a register kept for that purpose by the Secretary, for which registration he shall pay one dollar, and one dollar, for the certificate of registration; and the time of the clerkship of such student shall be reckoned only from the date of such registration. Qualifications for admission to study.
Fees.

28. No person shall be admitted to practise as an advocate, attorney, solicitor and proctor at law, unless he has attained the full age of twenty-one years, and has studied regularly and without interruption under a rotarial agreement as a clerk and student, with a practising advocate during four consecutive years, or three consecutive years, if he has followed a regular and complete course of law in a University or incorporated college, in which such course of law is established, which course of law shall be subject to the provisions hereinafter contained, and has taken a degree in law in such University or incorporated college; and such course of law may be followed at the same Qualifications for admission to practice.

same time that the student is serving his time of study under articles, with a practising advocate, to be verified by the articles of clerkship, the certificate of the patron and the diploma conferring the degree, or unless he is admitted under chapter seventy-five of the Consolidated Statutes of Canada :

Obligations imposed on Colleges establishing courses of law.

2. The Governor from time to time may require of all Universities or Incorporated Colleges, claiming to have established therein such a course of law, a Report fully shewing the detailed requirements of such course, and by Order in Council, to be published in the *Canada Gazette*, may declare his approval thereof, if the same are deemed sufficient, or may prescribe such other and further requirements as may be deemed fit ; and no diploma or degree in law shall avail under this section unless granted in conformity with the requirements of such Order in Council.

In what section, a candidate shall be admitted.

29. No candidate shall be admitted to practise in any section in which he has not studied ; and if he studied partly in one section and partly in another, he shall be admitted only in the section in which he terminated his clerkship ; and he shall produce a certificate of study from the Council of the section in which he performed a part of his clerkship, which certificate shall be given to him by the Bâtonnier under the seal of the section, and this over and above the affidavit required by the preceding section of this Act.

Existing rights saved.

30. Nothing in this Act, nor the repeal by Schedule A of the Consolidated Statutes for Lower Canada of any special Act, nor the repeal of any Act respecting the Bar of Lower Canada, exempting any student or person whatsoever from the operation of any of the foregoing and following sections shall prejudice the right of such student or person to admission to the practice of the profession, or to any exemption or privilege acquired under any such Act, and any person desirous of presenting himself for admission to the practice of the profession may do so at the time nearest to the termination of his clerkship, but he shall not obtain his diploma until after the full completion of his clerkship.

Lists of students and members of the Bar, in each section.

31. In addition to the list hereinbefore mentioned, the Secretary of each section shall keep a book in which the names of all students who have caused their articles of clerkship to be registered, with the date of such registration, shall be entered according to date, and in which book he shall also enter, separately, the names of all the members of the profession in his section, with the date of their admission ; and no person shall practise as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law in any Court of Justice in Lower Canada, unless his name is entered in the said book, and on the list, and in the register kept by the Prothonotary of the Superior Court for the District in which is situate the section in which such person intends practising :

Persons not on list not to practise.

2. And no Advocate, Attorney, Solicitor or Proctor at Law, shall practise in any Court of Justice in Lower Canada, if he has been, or if he is, or if he shall be convicted of felony or of any other infamous crime, or of any one of the offences enumerated in the twenty-sixth section of chapter ninety-two of the Consolidated Statutes of Canada; and by such conviction he shall lose the privileges granted to him by his diploma, and all proceedings by him shall be null and void from and after the date of such conviction;

Nor if convicted of felony, &c.

3. The Clerk of the Crown for the Criminal Court by which such conviction shall have been pronounced shall transmit information thereof to the Secretary of the section in which the Advocate so convicted of felony or of any other infamous crime or of any one of the offences mentioned in the twenty-sixth section of chapter ninety-two of the Consolidated Statutes of Canada as aforesaid, practised, to the end that the name of such Advocate may be erased from the list; and the Secretary of such section shall transmit to the Secretary-Treasurer of the General Council the name of the Advocate so deprived of his privileges to the end that it may be erased from the general list.

Clerk of Criminal Court to give notice of conviction.

32. Over and above the fees hereinbefore mentioned, the following fees shall be paid to the Treasurer of each section previous to the examination of any candidate either for the study or the practice of the profession, viz: for each certificate of admission to the study of the profession, twenty dollars; for each diploma, fifty dollars; and all sums received on account of the section shall form part of the general fund of the section:

Fees on admission to study or practice.

2. The following sums shall be retained by the Treasurer, and shall form part of the general fund of the section, in case of the rejection of the candidate for admission either to the study or to the practice of the profession, viz:—for admission to study, five dollars; for admission to practise, ten dollars; the Treasurer of the section shall return the balance to the candidate so rejected.

Fees in case of rejection.

ANNUAL SUBSCRIPTION OF MEMBERS.

33. Until the Councils of sections shall have otherwise provided by by-law, each member of the profession in each section shall pay annually on the first day of May, into the hands of the Treasurer, the sum of six dollars, which shall form part of the general fund of the section:

Annual subscriptions.

2. And all members of the bar, paying such subscription annually, shall have the use of the library and books of their section, subject only to such rules as the Council of the section

Rights of members.

may enact for the regulation of the said library; and the said Council is hereby authorized to make such rules, and from time to time to change the same as it deems proper, to increase the said subscription, and for other purposes;

Neglect to pay. 3. No member who has neglected to pay the said subscription or any portion thereof, or any sum legally imposed by the Council of his section, shall be entitled to vote at any meeting of the section so long as he remains in arrears;

Member discontinuing practice.

4. Any member discontinuing the practice of his profession, may relieve himself from the payment of such subscription, during such time as he ceases to practise, by paying all arrears thereof and giving a written notice of his retirement to the Secretary of the Section, who shall inform the Secretary of the General Council thereof, and the fact of his having ceased to practise shall be entered opposite his name on the special list, and such member shall not resume the practice of his profession, nor shall any professional act of his be valid after the giving of such notice, unless he has previously notified the Secretary of the Section of his intention to return to the practice of the profession; in which case the fact of his resuming practice shall be also noted upon the said list, and he shall again become liable thenceforward to the payment of the said subscription.

Superintendence of library.

34. The Councils of Sections may appoint annually a committee of not less than five to be chosen from amongst the members of their respective sections, whose duty it shall be to superintend and take charge of the Library belonging to the section, and to make rules pertaining to the management thereof.

FUNDS OF SECTIONS.

Duties of Treasurer.

35. The Treasurers of the different sections shall, on the first day of May in each year, and whenever they shall be required so to do by their sections, make an exact return of the receipts and expenditure of their respective sections.

Examination of his accounts.

36. The Council of each section shall, whenever it shall think proper to do so, examine the accounts of its Treasurer, and no sum shall be expended without an order from the Council, signed by the Bâtonnier, unless such expenditure shall have been ordered by a meeting of the section.

Recovery of fines, &c.

37. All fines and contributions imposed under this Act, and in conformity with its provisions shall be recoverable, with costs, before any Court of Justice having civil jurisdiction in the

the District in which the defendant resides on a simple certificate of the Bâtonnier, countersigned by the Secretary of the section ; and it shall be sufficient, in the declaration for the recovery of such contributions or fines, to set forth the amount demanded, and to mention in a summary manner the period during which such fines have been incurred or such contributions have become due without specially alleging the particular facts of the case.

38. No omission on the part of the councils of sections to meet, and no neglect on the part of any section to proceed to the election of its Council and Officers, shall prevent the other sections from proceeding under this Act to the election of their respective Councils or from carrying this Act into operation, with respect to such sections as are organized, nor shall any such omission cause the dissolution of the corporation or of any such Council.

Omission on part of a Council to meet, not to prevent proceedings, &c.

FORMATION OF NEW SECTIONS.

39. Notwithstanding any alteration in the limits of any District for judicial purposes, the several sections of the Bar in Lower Canada shall not be affected by such alteration, but shall continue with the local limits and jurisdiction they respectively had on the tenth day of June, one thousand eight hundred and fifty-seven, until altered by Proclamation, and the section of the District of Quebec shall include the Districts of Gaspé and Kamouraska, and that of the District of Montreal shall include the District of Ottawa ; but the Governor may by Proclamation whenever in his opinion it is expedient, constitute a section or sections of the Bar, in and for any District or Districts which he thinks proper to assign as the local limits of any such section, and the local limits of any previously existing sections may be reduced accordingly by such Proclamation, but their organization and powers shall not be affected except so far as they depend on such local limits ; and any such Proclamation shall take effect as regards each section from the day to be appointed therein for that purpose :

New sections may be constituted by Proclamation.

2. And upon, from and after the date of any such proclamation, the District or Districts therein mentioned, shall, under the name of " Bar of Lower Canada, Section of the District or Districts of _____," constitute a separate section of the Bar, and all the provisions of this Act, so far as it is not otherwise herein provided, shall apply to such section ;

Style of new sections.

3. The Council of every such section shall consist of three members of the Bar, besides a Bâtonnier, Syndic, Secretary and Treasurer ;

Council.

First election.

4. The first election of the Council in any such section, shall take place within three months after the date of such proclamation, at a meeting to be held at the Court House of the District of the section for which such election is to take place, which meeting shall be called by at least five members of the Bar, practising within the limits of the section, by public notice to be inserted in the *Canada Gazette*, at least fifteen days before such meeting, and by a public notice posted up at the Court House of the section where such meeting is to take place, at least eight days before such meeting ;

Notice of such election.

5. If the limits of such section include two or more Districts, the place at which the election shall be held, shall be named in such proclamation, and the notice of such meeting shall be posted up at the Court House of each District within the limits of such section ; and the ordinary meetings of the Council, and of the members of any such section, shall be held at the place where such first election takes place, or at such place as the said Council may fix ;

Quorum for election.

6. No such election shall take place unless there be present at the meeting so called, at least eight members of the Bar practising within the limits of the section.

Con. Stat. L. C. c. 72 repealed ; effect of such repeal.

40. Chapter seventy-two of the Consolidated Statutes for Lower Canada, intituled : *An Act respecting the Bar of Lower Canada*, and the several Acts and parts of Acts amending the same, are hereby repealed, but all transactions, proceedings, matters and things, done and taken under the said Acts, or any of them shall remain and continue as if no such repeal had taken place, and so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under this Act, and this Act shall be held not to operate as a new law, but shall be construed and have effect as a consolidation and an amendment of the law as contained in the said Acts and parts of Acts so repealed and for which this Act is substituted :

Corporation continued.

2. Nothing in this Act contained shall be construed to dissolve the Corporation of the Bar of Lower Canada as heretofore existing, which shall be held to continue under this Act and subject to the provisions thereof as one and the same Corporation ;

Existing By-laws saved.

3. By-laws passed by the General Council, or by the Council of any of the sections of the Corporation, and now in force, which may be inconsistent with any of the provisions of this Act, are hereby repealed, and those not repealed or amended by this Act shall continue in full force and effect until repealed by competent authority.

41. The provisions of this Act shall not apply to students at present under articles, except in so far as respects the manner of examination of candidates for admission to practice, as provided by this Act. Act how to apply to students how under articles.

42. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE No. 1.

DIPLOMA.

Province of Canada, }
District of . }

BAR OF LOWER CANADA.

To all to whom these presents concern,—Greeting :

I, the undersigned, Bâtonnier of the Bar of Lower Canada, section of the District of , in conformity with the provisions of chapter of the Statutes of Canada, passed in the thirtieth year of the reign of Her Majesty, Queen Victoria, in pursuance of the certificate to me delivered by three (or several, as the case may be,) of the examiners of the said section, dated the , whereby it appears that A. B., of , under the requirements of the said Act, after having served a regular clerkship, as prescribed by law, has undergone before them, on the day of , the examination necessary to his admission to the profession of Advocate ; and that from such examination it appears that he is in all respects worthy and qualified to be so admitted, have given and granted to him, according to the provisions of the said Act, the present diploma, conferring on him the right of practising as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law, in all Courts of Law in Lower Canada.

Given at the city (or town) of , under my signature and the seal of this section, and countersigned by the Secretary thereof, on the day of the month of , in the year of our Lord one thousand eight hundred and

[L. S.]

E. F., Secretary.

C. D., Bâtonnier.

SCHEDULE No. 2.

ACT OF ACCUSATION.

Province of Canada, } Bar of Lower Canada,
 District of . } Section of the District of .

To the Bâtonnier and the members of the Council of the Bar
 of Lower Canada section of the district of .

A. B., Esquire, Syndic, elected for the section of the Bar of
 Lower Canada, called section of the district of ,
 hereby informs the said section that C. D., Esquire, one of the
 members of the said Bar, residing in the said section of the
 district of , is accused on the oath of persons
 worthy of credit, by E. F., of , &c., &c., as
 follows, that is to say : that the said C., D., (*here recite the*
offence.) Wherefore, the said A. B. prays that an order may
 issue from the section, summoning the said C. D., to appear
 before the said section, in order that proceedings may be then
 had on the present information, as to law and justice may
 appertain.

Done at , this day of ,
 one thousand eight hundred and .

(Signed,) A. B., Syndic.

SCHEDULE No. 3.

SUMMONS OF THE ACCUSED.

Province of Canada, } Bar of Lower Canada,
 District of . } Section of the District of .

By the Bâtonnier and members of the Council of the Bar of
 Lower Canada, section of the district of .

To C. D., Esquire, Advocate, Barrister, Attorney, Solicitor
 and Proctor at Law, of , in the said section of the
 district of ,—Greeting :

You are hereby required to appear in person before us, in
 our chambers, in the city of , the
 day of , at o'clock in the noon,
 then and there to answer the charge, a copy whereof is above
 written, brought against you by A. B., Esquire, Syndic of the
 said

said section of . And you are informed that in case of your non-appearance before us on the day and hour and at the place hereinabove mentioned, proceedings will be had by default on the said charge.

Given at , under the seal of the said section of the district of , and the signature of our Bâtonnier, and countersigned by our Secretary, this day of , 18 .

[L. S.] (Signed,) F. G., Bâtonnier.

R. S., Secretary.

SCHEDULE No. 4.

SUBPOENA.

Province of Canada, } Bar of Lower Canada,
District of . } Section of the District of .

By the Bâtonnier and members of the Council of the Bar of Lower Canada, section of the district of .

To A. B., of , Greeting :

We hereby command you and each of you to appear in person before us, in our chambers, in the city (or town) of , the day of , at o'clock in the noon, to bear evidence and speak the truth on all matters within your knowledge, respecting a charge brought before us by , Esquire, Syndic of the Bar of the section of the district of , against C. D., Esquire, a member of the said Bar ; and herein fail not, under a penalty of a fine of dollars.

Given in the city (or town) of , under the seal of our section and the signature of our Secretary, this day of , 18 .

[L. S.] (Signed,) L. M., Secretary.

CAP. XXVIII.

An Act to provide a fund towards defraying expenses incurred for matters necessary to the efficiency of the Registry Laws of Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient to create a fund for defraying the expenses incident to the inspection of Registry Offices in Lower Canada, and to the making of the plans and books of reference required by chapter thirty-seven of the Consolidated Statutes for Lower Canada, respecting the registration of documents affecting real property : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Duty on documents registered.

How to be imposed.

1. There shall be imposed, levied and collected on each deed, instrument or document registered in any Registry Office in Lower Canada, on or after the day to be fixed for that purpose by Order of the Governor in Council, to be published in the *Canada Gazette* during at least one month before such day, and on every search made in any such Registry Office on or after the said day, such duties respectively, as shall be fixed in such order as aforesaid, not exceeding the following rates, that is to say :

Maximum rates.

On every will, marriage contract or donation..... 30 cents.

On every deed or instrument effecting or evidencing the sale, exchange, hypothecation or mortgage of real property, for a sum or consideration exceeding in value \$400..... 30 cents.

On every other deed or instrument..... 15 cents.

On every search with or without certificate..... 5 cents.

Proviso.

Provided, that by any subsequent order to be published in like manner, the Governor in Council may, from time to time, increase or diminish the said duties, or any of them, but so as not in any case to exceed the rates aforesaid.

Payable by stamps, unless otherwise ordered.

To form a fund for certain purposes.

2. The said duties shall be paid by the party requiring the registration or the search, and shall form a fund for defraying expenses incident to the inspection of Registry Offices, and the making of the plans and books of reference, required under the thirty-seventh chapter of the Consolidated Statutes for
Lower

Lower Canada, and (except in the cases hereinafter provided for) shall be payable by stamps, under the provisions of the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled : *An Act for the collection by means of Stamps, of Fees of Office, Dues and Duties payable to the Crown upon Law Proceedings and Registrations*, and such Stamps shall be procured by the Finance Minister and delivered by him to the Receiver General as provided by the said Act, all the provisions whereof not inconsistent with this Act shall, in so far as they may be applicable, apply to the Stamps to be issued for the purposes of this Act, and to all matters incident to such stamps, which shall be held to be stamps issued under the said Act.

27-28 V. c. 5,
to apply.

3. No certificate of the Registration of any deed, instrument or document on which a duty payable by stamps is then imposed by any order in Council made under this Act, shall be of any effect, or be received in any Court as evidence of such registration, unless the proper stamp for the payment of such duty is attached to such certificate of registration, whether such certificate be written on such deed, instrument or document or given separately ; saving always, the power vested in the proper Court or Judge by section eighteen of the Act above cited, to allow stamps to be affixed on application of any party, on conditions to be imposed by the Court or Judge under the provisions of the said section.

Certificate of
registration in-
effectual
without stamp.

Proviso.

4. Each Registrar in Lower Canada shall keep a book in which he shall enter briefly day by day and as they occur, a note of every search made in his office, on or after the day on which a duty shall become payable thereon as aforesaid, stating the name of the person demanding or making such search and the fee paid for each, and this whether he shall or shall not grant any certificate of such search ; and opposite to each such note he shall affix a stamp for the duty payable for such search if such duty be then payable by stamps ; and each Registrar shall, after the passing of this Act, state in the return which he is bound to make yearly, under chapter one hundred and eleven of the Consolidated Statutes for Lower Canada, the amount of the fees which he shall have received in each year for searches made in his office, (of which he is not now bound to render an account) as well as the amount of the duties received by him, under the authority of this Act.

Registrars to
keep record
of searches.

Registrars to
return amount
received for
searches.

5. Provided always, that inasmuch as it may not be found convenient that such duties should be paid in stamps during a certain time or in certain Registration Divisions, therefore the Governor in Council may from time to time direct that in all or any of the Registration Divisions in Lower Canada, the

Provision for
payment of du-
ty in money in
certain places,
or during a
certain time ;
under order in
said Council.

said duties shall, during a certain time or until it shall be otherwise ordered, be paid in money and accounted for in such manner as shall be directed in the order in Council in that behalf;—and so much of the three next preceding sections as depends upon the payment of such duties in stamps, shall not apply to deeds, instruments or documents registered or searches made in any Registration Division while such duties shall be payable in money therein :—but any order in Council under this Act, or any provision in any such order, may from time to time be repealed or altered by any subsequent order, and the duties in any Registration Division shall be payable in money or in stamps according as it may be provided by the order in Council then in force in that behalf.

Order in Council may be altered, &c.

Cancelling stamps.

6. All stamps affixed by any Registrar under this Act, shall be cancelled by him at the time of affixing the same in the manner prescribed by section twenty of the Act aforesaid.

Interpretation.

7. This Act shall be construed as part of the Act aforesaid and as forming one Act with it.

C A P. XXIX.

An Act to amend the Commissioners' Court Act for Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

New section in place of s. 27 of c. 94 Con. Stat. L. C.

1. Section twenty-seven of the *Act respecting Commissioners' Courts for the summary trial of small causes*, being chapter ninety-four of the Consolidated Statutes for Lower Canada, is hereby repealed, and the following clause is hereby substituted in the place thereof :

Return day to be named in certain writs.

"In every warrant of execution, *saisie-arrest*, *saisie-revendication* and *saisie-gagerie*, the day on which it is to be returned shall be named ; and it shall be returned with the proceedings thereon duly certified, on the day so named, which shall not be more than forty days from the date of such warrant."

Executions of certain warrants out of the District.

2. Any warrant of execution or attachment, *arrêt simple*, *saisie-arrest*, *saisie-gagerie* or *saisie revendication*, issued in any cause cognizable by the Commissioners' Court may be executed beyond the limits of the Judicial District within which the same

same is issued, provided such warrant is endorsed by a Commissioner of the Commissioners' Court within the District where the same requires to be executed, in the form of Schedule A, to this Act annexed.

SCHEDULE A.

Let the within warrant of be executed within the District of

Dated this day of 18 .

Signed, B. C.,
Commissioner for the Commissioners'
Court for the Parish of ,
or Township of .

C A P . X X X .

An Act to explain certain provisions of the Seigniorial Act.

[Assented to 15th August, 1866.]

WHEREAS the Legislature in enacting that the Schedule Preamble.
of a Seignior, when once completed and deposited, should not be contested or impeached, did not foresee that errors and omissions might creep into them, calculated to affect the interests both of the seigniors and *censitaires*; and whereas in the Schedules of certain seigniories, the names of some of the *censitaires* have either been omitted or they are set down as holding lands greater or less in extent than they actually held, and it is expedient to provide a remedy for these errors by explaining and declaring the intention of the law in this respect: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Every *censitaire* whose name shall not have been inscribed in the schedule, as completed and deposited in conformity with the Seigniorial Act, shall nevertheless be bound to pay his *rente* at such rate as would have been fixed, if his name had not been omitted, and the seignior may demand payment thereof, after having caused a survey to be made of the land so omitted from the Schedule.

Omission of name of censitaire in Schedule.

Censitaire inscribed for more land than he holds.

2. Any *censitaire* whose name shall have been inscribed on the schedule as holding an extent of land less than that which he actually possesses, shall nevertheless be bound to pay the *rente* for the whole extent of land which he possesses; and the seignior after he has caused a survey to be made establishing the extent of the land in question, may claim from the *censitaire*, payment of the *rente* due on such land, at the rate fixed for that part thereof which has been set down in the schedule.

Or for greater extent.

3. In like manner any *censitaire* whose name shall have been entered on the schedule, for an extent of land greater than that which he actually holds, may after he shall have established by survey the real extent of the land in question, claim from the Seignior a reduction of *rente* proportioned to the extent of land so established.

Correcting errors.

4. The errors of omission or commission mentioned in the preceding sections may be corrected or rectified with the consent of the seignior and the *censitaire*, without its being necessary to have recourse to a survey.

Not to affect rents paid: nor validity of Schedules.

5. Nothing in this Act shall be construed to affect the *rentes* due and paid up to the present time by *censitaires* to the Seigniors by virtue of any Seigniorial Schedule; and the said schedules shall remain in full force, notwithstanding any other informalities or irregularities which may be found therein.

C A P . X X X I .

An Act to amend chapter fifteen of the Consolidated Statutes for Lower Canada, respecting public education.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the law in relation to public instruction does not give authority to School Commissioners or Trustees to take possession of lands selected by them as sites for school houses, in the event of the proprietors refusing to sell and convey them; and whereas it is expedient to remedy an inconvenience calculated to place obstacles in the way of education in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

New paragraph to s. 64, c. 15, Con. Stat. L. C.

1. The sixty-fourth section of chapter fifteen of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting Provincial aid for Superior Education, and Normal and*

and Common Schools, is hereby amended by adding thereto the following paragraphs :

" 9. If after having selected a vacant lot of land as a site for a school house, the Commissioners or Trustees cannot make terms with the proprietor in respect of the amount of purchase money, or in case the proprietor refuses to deliver possession of the land required, within the eight days next after application in writing shall have been made to him by the said Commissioners and Trustees, then the matter shall be settled by arbitrators in the manner following : The Commissioners or Trustees shall appoint an arbitrator, and the owner of the land shall appoint another within thirty days after the said delay, and the two arbitrators shall conjointly appoint a third, within the eight days next after their appointment, and in case of disagreement between the said two arbitrators, or in case the said Commissioners or Trustees shall not appoint their respective arbitrators within the said thirty days, the said arbitrator or arbitrators, or the third arbitrator, as the case may be, shall be appointed by the judge of the Superior Court for the district, upon the application of one of the parties, and in the absence of the Judge by the Prothonotary of the said court ; and such arbitrators shall have all the powers necessary for the summoning, hearing, swearing, and examination of the witnesses ; and the award of the arbitrators or of a majority of them, shall be final, and shall designate the party who shall be liable for the costs of the arbitration."

Arbitration as to sites for school-house, if the price is not agreed upon.

" 10. Before proceeding, each of the said arbitrators shall take the following oath before a Justice of the Peace for the district :

Arbitrators to be sworn.

" I, A. B., having been appointed an arbitrator in the matter of the School Commissioners (or Trustees) of versus C. D. of make oath that I will faithfully and impartially discharge the duties of my office to the best of my judgment and capacity ; So help me God."

The oath.

" Sworn before me the undersigned, one of Her Majesty's Justices of the Peace, for the District of "

" 11. The said arbitrators shall within one month after their appointment, make their award, and serve a copy thereof on the said School Commissioners or Trustees, and on all the other parties interested."

Time for award.

" 12. Upon payment or tender of the compensation awarded to the parties entitled to receive the same, the award shall give power to the said Commissioners or Trustees to take immediate possession of the land, and to exercise the rights, or to do the thing for which the compensation has been awarded."

Land may be taken on payment of award.

" 13.

Provision in case of resistance.

" 13. If any person shall offer any resistance or opposition to the proceedings of the Commissioners or Trustees, any Judge of the Superior Court may, upon satisfactory proof that the conditions by this Act required have been fulfilled, issue his warrant addressed to any Sheriff or Bailiff, or other proper person, to place the Commissioners or Trustees in possession, and to put a stop to such opposition or resistance, all which such Sheriff, Bailiff, or other person shall be bound to do, taking with him such assistance as may be necessary."

Certain lands not to be taken.

" 14. Provided always, that nothing in this Act shall have the effect of authorizing possession to be taken of any property held by a *fabrique*, church, body, corporation or association for religious or scholastic purposes."

This Act to be part of Act above cited.

" 2. This Act shall be construed as forming to all intents and purposes a part of chapter fifteen of the Consolidated Statutes for Lower Canada.

C A P. XXXII.

An Act to amend the Municipal Act of Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient to amend the Lower Canada Consolidated Municipal Act in the manner hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 29 of Con-
Stat. L. C., c.
24, amended.

1. The twenty-ninth section of the Lower Canada Consolidated Municipal Act is hereby amended in such way as to extend to local Municipalities generally the powers and privileges which it confers on Town and Village Municipalities, and shall hereafter be interpreted as if the words "Local Municipalities" had been therein originally inserted.

Sect. 27
amended.

2. Subsection sixteen of section twenty-seven is repealed, and the following substituted:

Local Councils
may pass tem-
porance by-
laws.

" 16. Before the second Wednesday in March of each year, any Local Council may pass a By-law for preventing and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquors."

Certain provi-
sions not to
apply.

3. Subsection sixteen of section twenty-five of the said Act shall not apply to By-laws passed in virtue of the preceding sections.

4. The Secretary-Treasurer shall transmit a copy of the said By-law to the Collector of Inland Revenue, who shall not grant any license for the sale of such liquors in any Local Municipality in which such sale has been so prohibited by By-law, even although the County Council should, during the same month of March, authorize the sale of such liquors in the county.

Collector to
obey by-law.

5. Before the second Wednesday of March in each year, every Local Municipal Council shall have power to make By-laws, which shall not be inconsistent with the provisions of chapter six of the Consolidated Statutes for Lower Canada, for the following purposes :

Power to local
Councils to
make by-law
as to sale of
liquors.

1. To authorize the sale of any spirituous, vinous, alcoholic and intoxicating liquor, subject to such restrictions as they may deem expedient :

Sale.

2. To determine under what restrictions and conditions, and in what manner, the Collector of Inland Revenue for the District shall grant licenses to shop-keepers, tavern-keepers or other persons for the sale of liquors ;

Licenses.

3. To fix the sum payable for each license, provided that it shall not in any case be less than the amount payable for such license on the first day of July, one thousand eight hundred and fifty-six ;

Duty for
license.

4. For the regulation and control of all shop-keepers, tavern-keepers and other persons selling such liquors by retail in any places at which they may be so sold, as they may deem expedient for the prevention of intemperance ; a copy of every such by-law shall be transmitted without delay by the Secretary-Treasurer to the County Council, which, at its first meeting in the month of March, may revise, amend, or annul such by-law, without any application for its so doing being necessary ; the Secretary-Treasurer shall also transmit a copy of such by-law to the Collector of Inland Revenue.

Regulation of
parties selling.

6. Any By-law for prohibiting the sale of spirituous, vinous, alcoholic and intoxicating liquors, made under the Lower Canada Municipal Act of 1860, and Acts amending the same, may be drawn up in the following form, or any other form to the same effect, and any By-law so drawn up shall be sufficient :

Form of by-
law prohibi-
ting sale.

A By-law for prohibiting the sale of spirituous, vinous, alcoholic and intoxicating liquors in the Municipality of the County

Form.

County (or Township, or Parish, or Village, as the case may be), of

On and from the first day of May, in the year one thousand eight hundred and , until the thirtieth day of the month of April in the year one thousand eight hundred and , inclusively, the sale by retail, that is to say, in any quantity less than three gallons at any one time, of spirituous, vinous, alcoholic or intoxicating liquor, within the limits of the Municipality of the County (or Township, or Parish, or Village, as the case may be) of and the issue of any license to that effect are hereby prohibited.

(Signature.)

Warden, (or Mayor.)

Entry of original of by-laws and translation thereof.

7. The entry at full length of any such By-law in the Register of the proceedings of the Council, in the language in which such Register is usually kept, shall be deemed to be the sole original of such By-law; and the Secretary-Treasurer of the Municipality shall translate the same into English, or into French, as the case may require, and shall file in the office of the Council of the Municipality, to be there kept as a record, a fair copy of such his translation, with a written certificate at foot thereof, signed by him, in the following words, or in words to the same effect, in the language of the translation, namely:

Certificate.

I (name) Secretary-Treasurer of the Municipality of (name), do hereby certify that the foregoing is a correct translation of a By-law passed by the Council of the said Municipality on the day of in the year one thousand eight hundred and .

Dated at the day of in the year 18 .

(Signature.)

Promulgation.

8. Every such By-law shall be published and promulgated in the manner prescribed by the Lower Canada Municipal Act for the publication and promulgation of Municipal By-laws.

Collector not to issue licenses thereafter.

9. When the Collector of Inland Revenue, of any Revenue Division, has received from the Secretary-Treasurer of any Municipality within the Division, a duly certified copy of any such By-law, as aforesaid, it shall not be lawful for such Collector of Inland Revenue to grant any license the issue of which is prohibited by such By-law, so long as the same remains in force, even though the legality or validity of such By-law is contested.

10. When any By-law prohibiting the sale of intoxicating liquors, shall have been annulled by a competent tribunal, the Council by which the By-law was passed, may, within thirty days next after the rendering of the judgment to that effect, pass another By-law having the same object, as the By-law so annulled, and during the said thirty days the said Collector of Inland Revenue for the Revenue Division concerned shall not grant any of the licenses which were or were intended to be prohibited by the said By-law so annulled.

Provision in case any By-law be annulled.

11. Nothing in this Act contained shall be held to require that any By-law, notice, or other document should be translated, or should be entered in any Register or published in both languages, in case the use of either of the said languages has been dispensed with as to the Municipality by whose Council the By-law was passed.

In case one language is dispensed with in the municipality.

12. No appeal shall be allowed from any conviction made before a Sheriff, on any prosecution under the Act respecting Tavern-keepers and the Sale of Intoxicating Liquors, forming chapter six of the Consolidated Statutes for Lower Canada.

No appeal from conviction, &c.

13. Any person who shall in any manner ill-use or seek to intimidate any person called as a witness in any cause or prosecution under the Act respecting Tavern-keepers and the Sale of Intoxicating Liquors, forming chapter six of the Consolidated Statutes for Lower Canada, or under the Temperance Act of 1864, shall be liable to a penalty of ten dollars, or to imprisonment in the Common Gaol, on summary conviction for such offence before a Justice of the Peace for the District in which the offence was committed, not exceeding thirty days; and such conviction may be had on the oath of one credible witness, who may be complainant himself.

Penalty on persons intimidating witnesses.

14. The provisions contained in the fifth, fifteenth, twenty-second and twenty-fifth subsections of section twenty-eight of the said Municipal Act are extended to local municipalities generally.

Certain provisions to apply to all local municipalities.

15. Section five of chapter twenty-nine of the twenty-fourth Victoria shall be amended by substituting the words "local municipality" for the words "town or village," in the third line of the said section.

Sept. 5 of 24 V. c. 29 amended.

16. And whereas doubts have arisen as to the legality of the proceedings of the local Council of Bienheureux Alphonse de Rodriguez, in the County of Joliette, and it is expedient to set such doubts at rest: therefore it is enacted that the said municipality is and shall be for all purposes whatsoever a local municipality within the meaning of chapter twenty-four of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting Municipalities and Roads in Lower Canada*, and

Doubts as to municipality of Bienheureux Alphonse de Rodriguez removed; and certain proceedings confirmed.

all notices, *procès-verbaux* and proceedings of the said Municipality given, made and had therein before the passing of this Act, shall not be null in consequence of the said Municipality having been declared, in such notices, *procès-verbaux* and proceedings, to be a Parish Municipality instead of a Township Municipality, but all such notices, *procès-verbaux*, and proceedings shall be as valid as if the said Municipality had been correctly designated therein; this section shall not apply to notices, *procès-verbaux* and proceedings which may have already been pronounced to be null by a Court of competent jurisdiction, nor to pending causes.

C A P . X X X I I I .

An Act to amend chapter twenty-six of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting abuses prejudicial to Agriculture.*

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Removal of sheep, &c., infected with contagious disease.

1. Any person may, by special notice, as required by the Agricultural Act, call upon any proprietor or owner of any sheep or other domestic animal or animals attacked or affected with scab or other contagious disease to seclude and keep apart such sheep or other animal or animals.

Penalty for refusal to remove the same.

2. In case of refusal or neglect, a Justice of the Peace may, after notice given, condemn the offender on complaint verified by the oath of one credible witness other than the complainant, or on the confession of the party prosecuted, to a fine of fifty cents for each and every day he shall so refuse or neglect to seclude or keep apart any such animal so affected with scab, or other contagious disease, in addition to the costs of obtaining such judgment, and such judgment shall be rendered in a summary manner.

Imprisonment for non-payment of penalty.

3. All proceedings under this Act shall be taken in the manner prescribed by the said Agricultural Act, and in case the defendant does not possess sufficient moveables upon which to levy the amount of the fine and costs imposed upon him by a judgment under this Act, the Justice or Justices of the Peace may imprison him, in the common gaol of the district, for a period not exceeding one month for each offence.

Clause respecting water-courses, amended.

4. Notwithstanding any thing in the Act hereby amended, in any case respecting any water-course or other work in which several parishes or townships are interested, it shall be sufficient that the Inspectors acting in such case have no personal interest or obligation in or with respect to the work to be performed.

CAP. XXXIV.

An Act to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada, "respecting Masters and Servants in the Country parts."

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. This Act shall apply to all parts of Lower Canada except to the Cities of Quebec, Montreal and Three Rivers, and all other incorporated Cities, Towns and Villages which have made or passed regulations or by-laws for regulating the conduct of apprentices, servants and labourers and hired persons and the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons. To what places this Act shall apply.

2. The second section of the said chapter is hereby amended by inserting after "period," in the fifth line thereof, "who refuses or neglects to enter the service of his master at the time agreed upon or." Sect. 2 amended.

3. The fourth section of the said chapter is hereby amended by inserting after "agreement," in the second line, "or verbally before a witness or witnesses." Sect. 4 amended.

4. The seventh section of the said chapter is hereby amended by inserting after "penalty," in the thirteenth line, "and costs," and after "chattels," in the fourteenth line, "and if at the time of such conviction the master have in his hands any money due to his servant, he shall be entitled to retain thereout the amount of such penalty and costs, which it shall be his duty to pay over to the Secretary-Treasurer of the Municipality entitled to such penalty, who shall pay over the costs to the party entitled thereto." Sect. 7 amended.
Penalty may be retained out of wages.

CAP. XXXV.

An Act to amend section nine of chapter six of the Consolidated Statutes for Lower Canada, respecting tavern-keepers and the sale of intoxicating liquors.

[Assented to 15th August, 1866.]

WHEREAS it is expedient for the purpose of giving effect to the Act twenty-seventh and twenty-eighth Victoria, chapter forty-eight and to adapt its provisions to those of chapter six of the Consolidated Statutes for Lower Canada, which it amends, to make certain modifications to the ninth section Preamble.

section of the Act last above cited : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 9 amended.

1. Section nine of chapter six of the Consolidated Statutes for Lower Canada, intituled : *An Act respecting tavern-keepers and the sale of intoxicating liquors*, is hereby amended by striking out the word "County" in the ninth line, and inserting instead thereof the words "Parish or Township."

C A P . X X X V I .

An Act to amend the Act concerning the erection and division of Parishes, and the building and repairing of Churches, Parsonage-houses and Church-yards and Fabrique meetings, Chapter Eighteen of the Consolidated Statutes for Lower Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS great inconvenience and difficulty is frequently experienced in carrying out works ordered by canonical decree, either after the homologation of the election of Trustees, or after the Act of Assessment has been homologated by the Commissioners, in consequence of the delays and formalities required by law to be observed, before any modification of the original design or plan can be approved and sanctioned : For remedy thereof, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Proceedings in case the original plan is altered.

1. If in any case the Trustees elected to superintend the construction or the repairing of any Parish Church, or Chapel of Ease, Parsonage-house or burying-ground, shall be of opinion that it is necessary to make any change or modification in the dimensions thereof, or in the nature of the work to be performed, they may present a petition to the Roman Catholic Bishop of the Diocese, or in case of the absence of the Bishop or the vacancy of the See, then to the Administrator of the said Diocese, praying that such modifications may be made to the canonical decree authorizing the work in question, as may be deemed necessary ; and if the canonical decree is modified, the Trustees shall apply to the commissioners for authority to carry it into effect ; and if the changes authorized cannot be carried out without an assessment upon the Parishioners, it shall be proceeded to in accordance with the provisions in force to that effect.

Canonical decree may be modified.

Copies of proceedings.

2. Any copy of the proceedings had in such case before the Commissioners, certified by the Secretary of the Commissioners, shall be held *prima facie* to be authentic in any Court of Justice in this Province.

CAP. XXXVII.

An Act to amend chapter seventy of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting Joint Stock Companies for the construction of roads and certain other works.*

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. Section fifty-nine of chapter seventy of the Consolidated Statutes for Lower Canada, is hereby amended by substituting the word "three" for the word "five" wherever it occurs in the said section ; and the following proviso is added at the end of the same section : Sect. 59 amended.

"Provided always, that in case the said Company shall cease to exist for any reason whatsoever, the person who shall have deposited in any chartered bank the several instalments paid by the shareholders, may withdraw such deposits and return the same to the persons by whom they have been paid." Proviso added.

2. This Act shall be deemed to form part of the Act hereby amended. Construction of Act.

CAP. XXXVIII.

An Act to amend the Act respecting the Court of Impeachment in Upper Canada.

[Assented to 15th August, 1866.]

WHEREAS it is expedient to amend the Act passed in the twenty-second year of Her Majesty's reign, intituled : *An Act respecting the Court of Impeachment*, being chapter fourteen of the Consolidated Statutes for Upper Canada : Preamble.
Con. Stat. U. C. c. 14.
Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The second section of the said Act is hereby repealed, and the following substituted therefor : Sect. 2 repealed.

"In case of the illness or absence from Upper Canada of any one or more of the Judges of the said Court, any one or more of the Puisne Judges of the Superior Court of Common Law, may with like powers act in the stead of the Judge or Judges so ill or absent." New section substituted.

Sect. 4 repealed.

2. The fourth section of the said Act is hereby repealed, and the following substituted therefor :

New section substituted.

" In case any complaint for inability or misbehavior in office be preferred against any Judge of any County Court, or against any Recorder of any City, and if the Governor finds the same sufficiently sustained, and of sufficient amount to demand judicial investigation by the Court of Impeachment, he shall direct such complaint and all papers and documents therewith connected, to be transmitted to the Chief Justice of Upper Canada, as President of the Court."

Sect. 5 repealed.

3. The fifth section of the said Act, "Sittings," is hereby repealed, and the following substituted therefor :

New section substituted.

" The Court of Impeachment shall thereupon appoint a day for the meeting of the Court, and any Judge of the said Court, or any Puisne Judge acting in the stead of any Judge, may open and adjourn the said Court of Impeachment to any other day, and so from time to time as occasion may require, and at such sittings or any adjournment thereof, the Judges of the said Court shall proceed to the trial of the charges laid and set forth in the complaint, and to the hearing of the parties complainant and accused, their counsel, witnesses, and proofs, respectively, and shall adjudicate upon such complaint and charges."

Sects. 6, 7, 8, 9 extended to complaints against Recorders.

4. The provisions of the sixth, seventh, eighth and ninth sections of the said Act shall be held and taken to extend to complaints against the Recorder of any City in the same manner as they apply to any complaints against the Judge of any County Court, and shall be read as if the words "or any Recorder" were inserted in the said sections after the word "Judge" wherever the same occurs in the said sections.

C A P. XXXIX.

An Act respecting the hearing of causes in the Court of Chancery for Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Counsel may be appointed to hear causes.

1. Any sitting of the Court of Chancery for Upper Canada for the hearing of causes may be held by any one of Her Majesty's Counsel learned in the law, of the Upper Canada Bar, upon such Counsel being requested by the Chancellor or one of the Vice-Chancellors to attend for the purpose ; and such

such Counsel, while holding such sitting, shall possess, exercise and enjoy all the powers and authorities of a Judge of the said Court. Powers.

2. The counsel may give his decision either during the sitting or afterwards, and in case any party is dissatisfied with the decision of such Counsel, he shall be entitled to have the same reviewed by the said Court in the same manner and within the same time as in the case of a decision by a Judge of the said Court; and the order made thereupon by the Court shall be appealable to the Court of Error and Appeal in the same manner as other decrees and orders of the said Court of Chancery. Decision when to be given.

Review and appeal provided for.

3. The said Court shall have the power [from time to time to make General Orders for regulating the practice under this Act, and to suspend, repeal, vary or revive such Orders as to the said Court may seem fit. Rules of practice under this Act.

CAP. XL.

An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada.

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The sixteenth section of the Act of the Consolidated Statutes for Upper Canada, chaptered ten, and intituled: *An Act respecting the Superior Courts of Civil and Criminal Jurisdiction*, shall be and the same is hereby repealed, and the following section shall be substituted in lieu thereof: Sect. 16 of c. 10, Con. Stat. U. C., repealed.

“16. In case any Judge of either of the Courts of Queen's Bench or Common Pleas has continued in the office of Judge of one or more of the Superior Courts of Law and Equity in Upper Canada for fifteen years, or becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, and in case such Judge resigns his said office, Her Majesty may, by Letters Patent under the Great Seal of this Province, reciting such period of service or permanent infirmity, grant unto such Judge an annuity equal to two-thirds of the salary annexed to the office of such Judge, to commence immediately after the period of his resignation, and to continue thenceforth during his natural life.” New provision substituted.
Pensions to Judges of Q. B. and C. P.

2. The eighteenth section of the said recited Act is hereby repealed, and the following substituted in lieu thereof: Sect. 18 amended.

“18.

Terms of
Courts of Q. B.
and C. P.

" 18. The terms of the said Courts of Queen's Bench and Common Pleas, shall annually be as follows:—Hilary Term shall begin on the first Monday in February, and shall end on the Saturday of the ensuing week; Easter Term shall begin on the third Monday in May, and shall end on the Saturday of the second week thereafter; Michaelmas Term shall begin on the third Monday in November and end on the Saturday of the second week thereafter; and Trinity Term shall be abolished."

Sect. 1 of c. 11
Con. Stat.
U.C. repealed.

3. The first section of chapter eleven of the Consolidated Statutes for Upper Canada is hereby repealed, and the following is substituted in lieu thereof:

New provision
substituted.

Courts of As-
sises &c., when
and where
to be held.

" 1. The Courts of Assizes and *Nisi Prius*, and of Oyer and Terminer and General Gaol Delivery shall be held in every County and Union of Counties in Upper Canada, in each and every year in the vacation between Hilary and Easter Terms, and between that period of the vacation after the twenty-first day of August and Michaelmas Term, and in addition to the said two Courts to be held for the County of the City of Toronto and the County of York, there shall be a third such Court in every year in each of the said two last mentioned Counties in the vacation between Michaelmas and Hilary Terms, and all such Courts shall be held, with or without Commission, as to the Governor may seem best, and on such days as the Chief Justices and Judges of the Superior Courts of Common Law shall respectively name."

Sittings in
Banc in vaca-
tion, on rule.

For what pur-
poses.

Proviso.

4. The Courts of Queen's Bench and Common Pleas at their discretion, may hold sittings in Banc in time of vacation, by virtue of a rule or order of the Court, respectively to be made in or out of term, for the hearing of such special cases or rules for new trials as shall be named in a list to be attached to any such rule or order—and for giving of judgments in cases previously argued, and for disposing of such other business as the Court in its discretion shall see fit; Provided that no such sittings in Banc shall be appointed for or holden on any day between the first day of July and the twenty-first day of August in any year.

Notice of
such rules.

5. Notice of such rules or orders shall be given by affixing the same in some conspicuous place on the outside of the Court making the same, and in the Judges' Chambers and Practice Court, in Osgoode Hall, and in the office of the Clerk of the Crown and Pleas, of the same Court, six clear days, excluding Sunday, or any other legal holiday, before the day appointed, and such notice may be to the following effect:

COURT OF QUEEN'S BENCH OR COMMON PLEAS.

Form of notice.

This Court will on the _____ day of _____
hold sittings, and will proceed on that and the following days,
in

in hearing and disposing of the cases mentioned in the subjoined list, and in giving judgment in cases previously argued, and in disposing of any other business as the Court shall in its discretion see fit. (*List to be subjoined.*)

(Signed)

Clerk of the Crown and Pleas.

6. The twentieth section of chapter ten of the Consolidated Statutes for Upper Canada is hereby repealed. Sect. 20, repealed.

7. All judgments to be pronounced, and all rules and orders to be made by virtue of this Act, shall have the same effect, to all intents and purposes, as if they had been pronounced in term time. Judgments in vacation.

8. This Act shall come into operation upon the last day of Michaelmas Term next, and not before. Commencement of Act.

C A P . X L I .

An Act to amend the Law of Crown and Criminal Procedure and Evidence at Trial in Upper Canada.

[Assented to 15th August, 1866.]

WHEREAS it is expedient that the law of Evidence, and the practice on Crown prosecutions and trials for Treason, Felony and Misdemeanor should be assimilated to that on trials at *Nisi Prius*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. On all trials to which the Crown is a party, either directly or through the Attorney General, and in all criminal prosecutions, whether for treason, felony or misdemeanor, the addresses of counsel or of parties to the jury, the examination and contradiction of witnesses, comparison of handwriting, and the calling of attesting witnesses, shall proceed in the same manner, and with the same effect, as is provided in civil suits by sections two hundred and nine to two hundred and fifteen, both inclusive, of "The Common Law Procedure Act;"—Provided Certain proceedings in such cases to be the same as in civil suits. always that the right of reply shall be always allowed to the Attorney and Solicitor General, and to any Queen's Counsel having written authority from either of them for that purpose. Providio.

2. This Act shall apply only to Upper Canada.

Act limited to U. C.

CAP. XLII.

An Act to amend the Common Law Procedure Act of Upper Canada. .

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is desirable to make certain amendments in the Common Law Procedure Act of Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Additional cases in which the defendant may obtain security for costs.

1. In addition to any cases in which a defendant in any suit is now entitled to obtain security for costs from a plaintiff, security for costs may be granted to the defendant or applicant in any suit or proceeding in which it is made to appear satisfactorily to the Court in which such suit or proceeding has been instituted or taken, or to any Judge in chambers, that the plaintiff has brought a former suit or proceeding for the same cause which is pending either in Upper Canada or in any other country, or that he has judgment or rule or order passed against him in such suit or proceeding, with costs, and that such costs have not been paid, and such Court or Judge may thereupon make such rule or order staying such proceedings until such security be given as to such Court or Judge shall seem meet.

Interest allowed from the rendering of the verdict in certain cases.

2. In any suit or action in which any verdict is rendered for any debt or sum certain, on any account, debt, or promises, such verdict shall bear interest at the rate of six per cent. per annum from the time of the rendering of such verdict, if judgment is afterwards entered in favour of the party or person who obtained such verdict, notwithstanding the entry of judgment upon such verdict has been suspended by the operation of any rule or order of Court which may be made in such suit or action, and in all cases damages shall be assessed only up to the day of the verdict.

As to damages.

Doubts as to the effect of judgments on equitable defences removed.

3. Whereas doubts exist as to the effect of equitable defences pleaded in suits at law, and it is desirable to remove such doubts ;—if the defendant in any suit at law shall plead any equitable defence, and judgment shall be given against such defendant upon such equitable plea, such judgment shall be pleadable as a good bar and estoppel against any bill filed by such defendant in equity against the plaintiff or representative of such plaintiff at law, in respect to the same subject matter which has been brought into judgment by such equitable defence at law ; but nothing in this section shall apply to any suit or action commenced and pending before the passing of this Act, which shall be decided upon as if this Act had not been passed, and this Act shall not be construed as declaring that such judgment at law on an equitable defence has not been

Not to apply to pending cases, &c.

been heretofore a good bar to a suit in equity on the same subject matter.

4. If any suit or action is brought in any Court of Law or Equity for any cause of action for which any suit or action has been brought and is pending between the same parties and their representatives in any place or country out of Upper Canada, such Court or any Judge thereof may make a rule or order to stay all proceedings in such first mentioned Court of Law or Equity, until satisfactory proof is offered to such Court or Judge that the suit or action so brought in such other place or country out of Upper Canada is determined or discontinued.

Stay of proceedings if suit for same cause is pending out of U. C.

5. No execution shall issue against lands to the Sheriff of any County until after a return of *nulla bona* in whole or part with respect to an execution against goods, in the same suit by the same Sheriff.

When only execution may issue against lands.

6. No Sheriff shall make any return of *nulla bona* either in whole or in part, to any writ against goods, until the whole of the goods of the execution debtor in his county have been exhausted, and then such return shall be made only in the order of priority in which the writs have come into his hands.

When only return of *nulla bona* may be made.

C A P . X L I I I .

An Act to amend the Law of Upper Canada relating to Crown Debtors.

[Assented to 15th August, 1866.]

WHEREAS by law in Upper Canada, the property real and personal, of any person entering into any bond or covenant or being indebted to the Crown, is bound by such bond or covenant from the date thereof, and from the incurring of such debt ; and whereas it is desirable that such bonds, covenants and debts made or due by a subject to the Crown, should be placed on the same footing as if they were made or due from a subject to a subject : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. No bond, covenant, or other security, hereafter to be made or entered into by any person to Her Majesty, Her Heirs or Successors, or to any person on behalf of or in trust for Her Majesty, Her Heirs or Successors, shall bind the real or personal property of such person so making and entering into such bond, covenant, or other security, to any further, other or greater extent than if such bond, covenant, or other security, had been made or entered into between subject and subject of Her Majesty.

Bonds, &c., to the Crown to bind only such property as would be bound in other cases.

And so as to
personal prop-
erty of Crown
debtors.

2. The real or personal property of any debtor to Her Majesty, Her Heirs or Successors, or to any person in trust for or on behalf of Her Majesty, Her Heirs or Successors, for any debt hereafter contracted, shall be bound only to the same extent, and in the same manner as the real or personal property of any debtor where a debt is due from a subject of Her Majesty.

Cap. 5, of Con.
Stat. U. C.
repealed.

Exception.

3. The Statute chapter five of the Consolidated Statutes for Upper Canada, shall be and the same is hereby repealed, except as to such securities as are mentioned in the first section of that Statute, which had been made or entered into before the passing of this Act.

C A P . X L I V .

An Act respecting persons in custody charged with High Treason or Felony.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient to make provision for the safe custody of persons charged with High Treason or Felony: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in
Council may
order removal
of such persons
from one gaol
to another, in
case of insecu-
rity of gaol, &c.

1. If from the insecurity or unsuitness of any gaol of any county for the safe custody of persons charged with the crimes of High Treason or Felony, or if from any other cause it shall seem expedient to the Governor in Council so to do, it shall be lawful for the Governor in Council to order that any persons charged with the said crimes, or either of them, confined in such gaol, shall be removed to any other gaol of any other county to be named in such order, there to be detained until discharged in due course of law, or removed for the purpose of trial to the gaol of the county in which the trial is to take place; and a copy of such order, certified by the Clerk of the Executive Council, or by any person acting as such Clerk, shall be a sufficient authority to the Sheriffs and Gaolers of the counties respectively named in such order to deliver over and to receive the bodies of any person or persons named in such order.

And direct Sher-
riff to remove
them.

2. It shall be lawful for the Governor in Council to direct in any such order that the Sheriff in whose custody the person or persons to be removed may then be, shall convey the said person or persons to the gaol of the county in which they are to be confined, and to direct the Sheriff or Gaoler of such county to receive the said person or persons, and to detain him or them until he or they shall be discharged in due course of law, or be removed for the purpose of trial to any other county.

3. If a True Bill for High Treason or Felony, except for Felony under the provisions of the twenty-second Victoria, chapter ninety-eight, Consolidated Statutes for Upper Canada, shall afterwards be returned by any Grand Jury of the county from which any such person may have been removed, against any such person, it shall be lawful for the Court into which such True Bill shall have been returned, to make an order for the removal of any person against whom such bill shall have been found, from the gaol in which he may then be confined, to the gaol of the county in which such court may be sitting, for the purpose of his being tried in such county.

Removal for trial into County where indictment is found.

4. This Act shall apply to Upper Canada only.

Act limited to U. C.

C A P . X L V .

An Act for more effectually securing the Liberty of the Subject.

[Assented to 15th August, 1866.]

WHEREAS the Writ of *Habeas Corpus* hath been found by experience to be an expeditious and effectual method of restoring any person to his liberty, who hath been unjustly deprived thereof; And whereas extending the remedy of such Writ, and enforcing obedience thereunto, and preventing delays in the execution thereof, will be advantageous to the public; And whereas the provisions made by an Act passed in England, in the thirty-first year of King Charles the Second, intituled: *An Act for the better securing the Liberty of the Subject, and for prevention of imprisonment beyond the seas*, only extend to cases of commitment or detainer for criminal or supposed criminal matter: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. When any person shall be confined or restrained of his or her liberty (except persons imprisoned for debt, or by process in any civil suit, or by the judgment, conviction or decree of any Court of Record, Court of Oyer and Terminer or General Gaol Delivery, or Court of General Quarter Sessions of the Peace, or Recorder's Court not being a Court wherein the Recorder shall sit alone without a jury), within Upper Canada, it shall and may be lawful for any of the Judges of either of the Superior Courts of Law or Equity in Upper Canada, and they are hereby required upon complaint made to them by or on behalf of the person so confined or restrained, if it shall appear by affidavit or affirmation (in cases where by law an affirmation is allowed) that there is a probable and reasonable ground for such complaint, to award in vacation time, a writ of *Habeas Corpus ad Subjiciendum* under the seal of the Court wherein the application shall be made, directed to the person

In what cases Hab. Corp. ad Subjiciendum may be awarded, in U. C., and by whom, in vacation.

Return.
or

or persons in whose custody or power the party so confined or restrained shall be, returnable immediately before the person so awarding the same, or before any Judge in Chambers for the time being.

Proceedings
in case of dis-
obedience to the
writ.

Warrant for
contempt.

Provido :
if writ be issued
late in vacation.

If late in term,
may be retur-
nable in vaca-
tion.

2. If the person or persons to whom any writ of *Habeas Corpus* shall be directed according to the provisions of this Act, upon service of such writ, either by the actual delivery thereof to him, her or them, or by leaving the same at the place where the party shall be confined or restrained, with any servant or agent of the person or persons so confining or restraining, shall wilfully neglect or refuse to make a return or pay obedience thereto, he, she or they shall be deemed guilty of a contempt of the Court, under the seal whereof such writ shall have issued, and it shall be lawful to and for the Judge before whom such writ shall be returnable, or any Judge in Chambers, upon proof made by affidavit of wilful disobedience of the said writ, to issue a warrant under his hand and seal for the apprehending and bringing before him or some other Judge of the said Courts, of the person or persons so wilfully disobeying the said writ, in order to his, her or their being bound to the Queen's Majesty, with two sufficient sureties, in such sum as in the warrant shall be expressed, with the condition to appear in the Court under the seal of which the writ issued, at a day in the same or any ensuing term to be mentioned in the said warrant, to answer the matter of contempt with which he, she or they are charged ; and in case of neglect or refusal to become bound as aforesaid, it shall be lawful for such Judge or Court to commit such person or persons so neglecting or refusing, to the common gaol of the county wherein such person resides, or may be found, there to remain until he, she or they shall have become bound as aforesaid, or shall be discharged by order of the Court in term time, or by order of a Judge in vacation ; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the same Court, and shall continue in force until the matter of such contempt shall have been heard and determined, unless sooner ordered by the Court to be discharged ; Provided that if such writ shall be awarded so late in the vacation by any one of the said Judges, that in his opinion obedience thereto cannot be conveniently paid during such vacation, the same shall and may at his discretion, be made returnable in the Court wherein the application is made, at a day certain in the next term ; and the said Court shall and may proceed thereupon, and award process of contempt in case of disobedience thereto, in like manner as upon disobedience to any writ originally awarded by the said Court ; And if such writ shall be awarded in term time so late that, in the judgment of the Court, obedience thereto cannot be conveniently paid during such term, the same shall and may, at the discretion of the said Court, be made returnable at a day certain in the then next vacation, before a Judge in Chambers, who shall and may proceed thereupon in such manner

manner as by this Act is directed concerning writs issuing in and made returnable during the vacation.

3. In all cases provided for by this Act, although the return to any writ of *Habeas Corpus* shall be good and sufficient in law, it shall be lawful for the Court or for any judge before whom such writ may be returnable to proceed to examine into the truth of the facts set forth in such return, by affidavit or by affirmation (in cases where an affirmation is allowed by law,) and to do therein as to justice shall appertain; and if upon such return it shall appear doubtful on such examination, whether the material facts set forth in the said return, or any of them, be true or not, in such case it shall and may be lawful for the said Judge or the Court to let to bail the said person so confined or restrained, upon his or her entering into a recognizance, with one or more sureties; or in case of infancy or coverture, or other disability, upon security by recognizance in a reasonable sum to appear in the Court wherein the application is made, upon a day certain in the term following, and so from day to day as the Court shall require, and to abide such order as the Court shall make in and concerning the premises; and any Judge before whom such writ shall be returned shall transmit into the same Court the said writ and return, together with such recognizance, affidavits and affirmations; and thereupon it shall and may be lawful for the said Court to proceed to examine into the truth of the facts set forth in the return, in a summary way by affidavit or affirmation (in cases where by law affirmation is allowed,) and to order and determine touching the discharging, bailing, or remanding the party.

Proceedings for inquiring into the truth of the matters alleged in the return: before judge before whom the writ is returnable.

Bail in certain cases.

Judge to transmit the writ and return to the Court, &c.

4. The like proceeding may be had in the Court for controverting the truth of the return to any such writ of *Habeas Corpus* awarded as aforesaid, although such writ shall be awarded by the said Court itself, or be returnable therein.

If the writ be awarded by the Court.

5. In all cases, in which a writ of *Habeas Corpus* shall be issued under the authority of this Act or of the said Act of the thirty-first year of the reign of King Charles the Second or otherwise, it shall and may be lawful for the judge or court ordering the issuing of such writ or for the judge before whom such writ shall be returnable, either in term time or vacation, to direct the issuing of a writ of certiorari out of the court from which such writ of *Habeas Corpus* shall have issued, directed to the person or persons by whom or by whose authority any such person shall be confined or restrained of his or her liberty, or other person having the custody or control thereof, requiring him to certify and return to any Judge in Chambers or to the Court as by the said writ shall be provided, all and singular the evidence, depositions, convictions, and all proceedings had or taken, touching or concerning such confinement or restraint of liberty, to the end that the same may be viewed and considered by such judge or court, and to the end that

Certiorari to bring proceedings and papers before the Court for Examination.

that the sufficiency thereof to warrant such confinement or restraint, may be determined by such judge or court.

Appeal from
remandment.

Certifying pro-
ceedings to
Court of
Appeal.

Court may
order discharge.

6. In case any person confined or restrained of his or her liberty, as aforesaid, shall be brought before the court in term time upon a writ of *Habeas Corpus*, and shall be remanded to custody again upon the original order or warrant of commitment, or by virtue of any warrant, order or rule of such court, it shall and may be lawful for such person to appeal from the decision or judgment of the said court, to the Court of Error and Appeal; And it shall be the duty of the Clerk of the Court whose decision or judgment shall be appealed from, upon notice to be given by or on behalf of the person so remanded to custody, to certify under the seal of the court, the writ of *Habeas Corpus*, the return thereto, and all and singular the affidavits, depositions, evidence, conviction and other proceedings returned to or had before the said Court, unto the Court of Error and Appeal; and the said Court of Error and Appeal shall thereupon hear and determine the said appeal without any formal pleadings whatever; And if the said Court of Error and Appeal shall adjudge or determine that such confinement or restraint is illegal, such court shall certify the same, under the seal of the said court, to the person or persons having the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

Certain provi-
sions of this
Act to extend
to cases where
the writ issues
under the En-
glish Act.

7. The several provisions made in this Act, touching the making Writs of *Habeas Corpus* issued in time of vacation, returnable into the said courts, or for making such writs awarded in term time, returnable in vacation, as the cases may respectively happen, and also for making wilful disobedience thereto a contempt of the court, and for issuing warrants to apprehend and bring before the said Courts, Judge or any of them, any person or persons wilfully disobeying any such writ, and in all cases of neglect or refusal to become bound as aforesaid, for committing the person or persons so neglecting or refusing to gaol, as aforesaid, respecting the recognizances to be taken as aforesaid, and the proceeding or proceedings thereon,—shall extend to all Writs of *Habeas Corpus* awarded in pursuance of the said Act passed in England in the thirty-first year of the Reign of King Charles the Second, or otherwise, in as ample and beneficial a manner as if such writs and the said cases arising thereon had been hereinbefore specially named and provided for respectively.

Rules of practi-
ce may be
made.

8. The said Court of Error and Appeal may from time to time and as often as it shall see occasion, make such rules of practice in reference to the proceedings on Writs of *Habeas Corpus* as to the said court may seem necessary and expedient.

9. Nothing in this Act shall be held to impair or interfere with an Act passed during this present session of Parliament, intituled: *An Act to authorize the apprehension and detention until the eighth day of June, one thousand eight hundred and sixty-seven, of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's person and Government*, but this Act shall be read therewith and as being subject thereto.

Act not to
affect c. 1 of
this Session.

C A P . X L V I .

An Act to amend the Law in respect of View by Jurors, in Upper Canada.

[Assented to 15th August, 1866.]

WHEREAS, by Law, a view by Jurors in Civil and Criminal cases cannot be had of a place out of the County in which the venue in any such actions is laid; and whereas it is expedient so to amend the law that Her Majesty's Superior Courts of Common Law at Toronto or any Judge thereof may order a view of any place by the Jurors, whether the same be within or without the County in which the venue in any such cases may be laid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. When in any case, either Civil or Criminal, or on any penal statute, now pending or hereafter to be brought in either of Her Majesty's Superior Courts of Common Law at Toronto, it appears to such Court or to any Judge thereof in vacation, that it will be proper and necessary that the Jurors, or some of them, who are to try the issues in such case, should have a view of the place in question in order to their better understanding the evidence that may be given upon the trial of such issues, whether such place be situate within the County or United Counties in which the venue in any such case is laid, or without such County or United Counties, in any other County in Upper Canada, such Court or Judge in vacation may order a rule to be drawn up containing the usual terms, and, if such Court or Judge thinks fit, also requiring the party applying for the view to deposit in the hands of the Sheriff of the County or United Counties in which the venue in any such case is laid, a sum of money to be named in the rule, for payment of the expenses of the view.

Court may order
a view out
of the County
in which the
venue is laid.

Rule.

Deposit by
party requiring
view.

2. All the duties and obligations now imposed by law on the several Sheriffs and other persons when the place to be viewed is situate in the County or United Counties in which the venue in any such case is laid, shall be imposed upon and attach to such Sheriffs and other persons when the place to be viewed is situate out of the County or United Counties in which

Duties of
sheriffs, &c.,
in such cases.

which the venue in any such case is laid in any other County in Upper Canada.

Repeal of Con.
Stat. U. C., c.
31, s. 124.

3. The one hundred and twenty-fourth section of chapter thirty-one of the Consolidated Statutes for Upper Canada, is hereby repealed.

C A P. X L V I I.

An Act to amend the law respecting the appointment of Recorders in Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

C. 54 s. 375, of
Con. Stat. U. C.

WHEREAS it is expedient to amend the provisions of the three hundred and seventy-fifth section of the Act respecting the Municipal Institutions of Upper Canada, being chapter fifty-four of the Consolidated Statutes for Upper Canada, so far as the same extends to the appointment of Recorders: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

By what tenure
Recorders shall
hold office.

1. Every Recorder holding office when this Act takes effect, as well as Recorders hereafter appointed, shall hold their offices during good behavior, but shall be subject to removal by the Governor for inability or misbehavior, in case such inability or misbehavior be established to the satisfaction of the Court of Impeachment for the trial of charges against Judges of County Courts and Recorders of Cities.

C A P. X L V I I I.

An Act to amend chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Administration of Justice in the unorganized tracts.*

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sub. sect. ad-
ded to s. 90.

1. The following words shall be read as, and shall be, a subsection to and immediately following the ninetieth section of the said Act, namely:

Registrar of
deeds may be
appointed in
Nepissing.

" 1. The Governor in Council may also appoint a Registrar of Deeds in the Judicial District of Nepissing, who shall register all deeds and other conveyances and agreements relating to lands

lands situate in any part of the said Judicial District and laid out and surveyed by the Crown; the said Registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed for that purpose, from time to time, by the Governor in Council, and his duties shall be the same as the duties of other Registrars under the Register Laws of Upper Canada; his fees shall be the same as those appointed by the Registry Laws of Upper Canada, or the Governor in Council may order an annual salary not exceeding eight hundred dollars, to be paid to the said Registrar out of the Consolidated Revenue Fund of this Province, in lieu of such fees, which fees shall in such case be paid into such Revenue.” Fees or salary.

C A P . X L I X.

An Act to amend the Act respecting Attorneys at Law.

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The Sections of Chapter Thirty-five of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Attorneys at Law*, numbered forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-three, fifty-four and fifty-six, shall be and the same are hereby repealed. Sections of
Con. Stat. U. C.
c. 35, repealed.

Annual certificates.

2. The Benchers of the Law Society of Upper Canada, may, by rule, appoint a sum not exceeding fifteen dollars, in respect of all of the Courts of Queen's Bench, Chancery and Common Pleas, to be annually paid to the Treasurer of the said Society by every practising Attorney or Solicitor of all or any of the said Courts. Fees payable
by Practising
Attorneys.

3. Each practising Attorney and Solicitor shall obtain from the Clerks of the Courts of Queen's Bench and Common Pleas, and the Registrar of the Court of Chancery, if practising in such Court, annually, before the last day of Michaelmas Term, a certificate under the seal of such Court, stating that he is a practising Attorney in such Court, and upon the production of such certificate to the Secretary of the Law Society, annually, in Michaelmas Term, and the payment of all fees and dues payable by such Attorney or Solicitor to the said Society, the Secretary shall write his name on the margin thereof, with the date thereof, and such certificate shall be taken as issued only from such date. Annual certi-
cate to be ob-
tained by them

Fees to be paid
before certifi-
cate granted.

4. No such certificate shall be issued to any Attorney or Solicitor, who is indebted to the said Society for any term or other fee payable to the Society, nor until the annual fee for each certificate prescribed by the rule of the said Society is paid.

Fine for neg-
lect to take out
certificate.

5. If any Attorney or Solicitor omits taking out such annual certificate in Michaelmas Term, he shall not be entitled thereto until he pays to the said Treasurer, not only the certificate fee, so appointed as aforesaid, together with any fees or dues which he owes to the said Society, but also an additional sum by way of penalty, in respect of each of such Courts, as follows :

Amount of fine.

If such certificate be not taken out before the first day of Hilary Term, the further sum of two dollars ; if not before the first day of Easter Term, the further sum of three dollars ; and if not before the first day of Trinity Term, the further sum of four dollars.

Penalty for
practising
without a cer-
tificate.

6. If any Attorney or Solicitor practises in any of the said Courts of Queen's Bench, Chancery or Common Pleas, respectively, without such certificate in each and any year of his practice, he shall be liable to be suspended from practice for any such offence, in all of such Courts for a period of not less than three nor more than six months, and to continue so suspended until the fee upon his certificate for such year in which he so practised without certificate, together with a penalty of forty dollars, is paid to the Treasurer of the Law Society, and the proceedings for such suspension may be taken in any of the said Courts, and upon the rule being made absolute for such suspension in any of the said Courts, such Attorney or Solicitor shall be suspended from practice in the other Courts in the same manner, and for the same period, as if the rule had been made absolute also in each of the said other Courts.

Suspension
from practice.

Time of clerks
on Militia ser-
vice may be
allowed.

7. The Benchers of the Law Society shall at all times have full power and authority to allow any clerk under articles to a practising Attorney or Solicitor, as part of his term of service, all and every period of time that such clerk may be employed in the Volunteer or General Militia Service when such Volunteer or General Militia are called out for actual service.

C A P. L.

An Act to amend the Law respecting appeals in cases of Summary Convictions, and Returns thereof by Justices of the Peace in Upper Canada.

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. In all cases of appeal from any order, decision or conviction made or had before any Justice or Justices of the Peace in Upper Canada, under the law relating to appeals from Summary Convictions, the Court to which such appeal is made shall hear and determine the charge or complaint on which such order, decision or conviction shall be made or had, upon the merits, notwithstanding any defect of form or otherwise in such conviction ; and if the person charged or complained against shall be found guilty, the conviction shall be affirmed, and the Court shall amend the same, if necessary, and any conviction so affirmed or affirmed and amended shall be enforced in the same manner as convictions affirmed in appeal are now enforced. Appeal to be decided on the merits.

Convictions may be amended.

2. And for the more effectual prevention of frivolous appeals, any Court of Quarter Sessions or Recorder's Court, upon proof of notice of any appeal to such Court having been given to the party or parties entitled to receive the same, though such appeal was not afterwards prosecuted or entered, may, if such appeal shall not have been abandoned according to law, at the same Court for which such notice was given, order to the party or parties receiving the same such costs and charges as by the said Court shall be thought reasonable and just to be paid by the party or parties giving such notice, such costs to be recoverable in the manner provided for the recovery of costs upon an appeal against an order or conviction. Costs allowed on appeals notified and abandoned.

3. It shall not be necessary, for any Justice or Justices before whom any trial or hearing is had under any law, giving jurisdiction in the case, and who convicts and imposes any fine, forfeiture, penalty or damages upon any defendant, to make a return thereof in writing under his or their hand or hands, until the Quarter Sessions to which a party complaining can by law appeal, and it shall be sufficient if such return be made to such Quarter Sessions. When only return need be made.

Recognizance
of appellant not
in custody.

4. In all cases of appeal, when the appellant is not in custody, he shall enter into a recognizance with two sufficient sureties in manner provided by the Act respecting Appeals in cases of Summary Conviction.

Act limited to
U. C.

5. This Act shall apply only to Upper Canada.

C A P . L I .

An Act respecting the Municipal Institutions of Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

EXISTING INSTITUTIONS

CONTINUED.

Municipal Cor-
porations con-
tinued.

1. The Inhabitants of every County, City, Town, Village, Township, Union of Counties and Union of Townships incorporated at the time this Act takes effect, shall continue to be a body Corporate, and every Police Village then existing shall continue to be a Police Village, with the Municipal boundaries of every such Corporation and Police Village respectively then established.

Police Villages.

2. The Trustees of every Police Village existing when this Act takes effect, shall be deemed the Trustees respectively of every such Village as continued under this Act.

Heads, Officers,
By-laws, &c.,
continued.

3. The Head and Members of the Council, and the Officers, By-laws, Contracts, Property, Assets and Liabilities of every Municipal Corporation, and the inspecting Trustees of every Police Village existing when this Act takes effect, shall be deemed the Head and Members of the Council, and the Officers, By-laws, Contracts, Property, Assets and Liabilities of such Corporation, and Inspecting Trustees of such Police Village as continued under and subject to the provisions of this Act.

NAMES AND GOVERNING BODY.

1.—CORPORATIONS.

Names of mu-
nicipal Cor-
porations.

4. The name of every Body Corporate continued, or erected under this Act, shall be *The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships* (as the case may be) of (naming the same.)

5. The Inhabitants of every Junior County upon a Provisional Council being or having been appointed for the County, shall be a Body Corporate under the name of *The Provisional Corporation of the County of* (naming it.)

Names of Provisional Corporations.

6. The powers of every Body Corporate under this Act, shall be exercised by the Council thereof.

The Councils to exercise corporate powers.

2.—POLICE VILLAGES.

7. The Police regulations of every Police Village shall be enforced through the Police Trustees.

Trustees in Police Villages.

NEW MUNICIPALITIES.

COUNTIES AND TOWNSHIPS.

8. The Inhabitants of every County or Union of Counties erected by Proclamation into an independent County or Union of Counties, and of every Township or Union of Townships erected into an independent Township or Union of Townships, and of every locality erected into a City, Town or Incorporated Village, and of every County or Township separated from any Incorporated Union of Counties or Townships, and of every County or Township or of the Counties or Townships if more than one, remaining of the Union after the separation, being so erected or separated after this Act takes effect, shall be a Body Corporate under this Act.

Extension of Corporate Municipalities.

NEW POLICE VILLAGES.

9. On the Petition of any of the Inhabitants of an unincorporated Village, the Council or Councils of the County or Counties within which the village is situate, may, by By-law, erect the same into a Police Village, and assign thereto such limits as may seem expedient.

New Police Villages.

NEW INCORPORATED VILLAGES.

10. When the census returns of an unincorporated Village with its immediate neighbourhood, taken under the direction of the Council or Councils of the County or Counties in which the Village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an Incorporated Village, then, on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the Council or Councils of the County or Counties in which the Village and neighbourhood are situate shall, by By-law, erect the Village and neighbourhood into an Incorporated Village, apart from the Township or Townships in which the same are situate, by a name and

When population 750, County Council may incorporate a new village and name place for first election, and a returning officer.

and with boundaries to be respectively declared in the By-law, and shall name in the By-law the place for holding the first Election, and the Returning Officer who is to hold the same; Provided, always, that:—

Proviso.

Area of Town or Village limited.

1. No Town or Village incorporated after the passing of this Act, the population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land;

Enlargement of area, limited.

2. No Town or Village already or hereafter incorporated and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand;

Existing Towns or Villages exceeding the area prescribed.

3. In the case of all Towns or Villages, now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said Towns or Villages shall not be permitted to make any further addition to their limits, until their population shall have reached a proportion as aforesaid to their present area;

How population may be reckoned.

4. But in all cases the persons then actually inhabiting the land about to be included within the limits of any Town or Village, may, for the purpose of such extension only, be held and reckoned as among the inhabitants of such Town or Village;

Reducing the area of Villages.

5. The County Council of any County or Union of Counties in Upper Canada, may, in their discretion, upon the application by Petition of the Corporation of any Incorporated Village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, by By-Law in that behalf, reduce the area of such Village by excluding from it lands used wholly for farming purposes; provided that such By-Law shall define, by metes and bounds, the new limits intended for such Incorporated Village; and provided also, that no Incorporated Village shall by any such change of boundaries be reduced in population below the number of seven hundred and fifty souls; and provided further, that the Municipal privileges and rights of such Village shall not thereby be diminished or otherwise interfered with as respects the remaining area thereof.

Proviso.

Proviso.

Proviso.

When the Village lies within two counties, how to be annexed to one of them by the

11. When the newly Incorporated Village lies within two or more Counties, the Councils of the Counties shall, by By-law, annex the Village to one of the Counties; and if within six months after the petitions for the incorporation of the Village

Village

Village are presented, the Councils do not agree to which County the Village shall be annexed, the Wardens of the Counties shall memorialize the Governor in Council, setting forth the grounds of difference between the Councils ; and thereupon the Governor shall, by Proclamation, annex the Village to one of such Counties.

Councils or Governor.

12. In case the Wardens do not, within one month next after the expiration of the six months, memorialize the Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Governor to settle the matter, and thereupon the Governor shall, by Proclamation, annex the Incorporated Village to one of the said Counties.

When by the Governor.

13. In case the Council of an Incorporated Village petitions the Governor to add to the boundaries thereof, the Governor may, by Proclamation, add to the Village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the Village, it may seem desirable to add thereto ; Provided always, that nothing herein contained shall be construed as authorizing any departure from the provisions of subsections one to five of section ten of this Act.

Additions to Villages by Governor.

Proviso.

ERECTION OF VILLAGES INTO TOWNS, AND TOWNS INTO CITIES.

14. A Census of any Town or Incorporated Village may at any time be taken under the authority of a By-law of the Council thereof.

Towns and Cities how formed : census.

15. In case it appears by the Census return taken under any Act of Parliament, or under any such By-law, that a Town contains over fifteen thousand Inhabitants, the Town may be erected into a City ; And in case it appears by the return that an Incorporated Village contains over three thousand inhabitants, the Village may be erected into a Town ; But the change shall be made by means of and subject to the following proceedings and conditions :

Town containing over fifteen thousand Inhabitants may be made a City ; and Village containing over three thousand, a Town.

Firstly—The Council of the Town or Village, shall for three months after the Census return, insert a notice in some newspaper published in the Town or Village, or, if no newspaper be published therein, then the Council shall for three months post up a notice in four of the most public places in the Town or Village, and insert the same in a newspaper published in the County in which the Town or Village is situate, setting forth in the notice the intention of the Council to apply for the erection of the Town into a City, or of the Village into a Town, and stating the limits intended to be included therein ;

1st.—Notice to be given.

Secondly—

2nd—Proof of publication of notice and of census.

Proclamation.
Village made a town.

3rd—Existing debts to be adjusted in case of a Town to be made a City.

4th—Governor may proclaim such City a Town.

Extension of limits of such Town or City.

Wards.

Lands detached from Counties.

New division of Wards in Cities and Towns.

Secondly—The Council of the Town or Village shall cause the census returns to be certified to the Governor in Council, under the signature of the Head of the Corporation and under the Corporate Seal, and shall also cause the publication aforesaid to be proved to the Governor in Council, then, in the case of a Village, the Governor may, by Proclamation, erect the Village into a Town by a name to be given thereto in the Proclamation ;

Thirdly—In case the application is for the erection of a Town into a City,—the Town shall moreover pay to the County of which it forms part, such portion, if any, of the debts of the County as may be just, or the Council of the Town shall agree with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement the same shall be determined by arbitration under this Act ; and the Council shall prove to the Governor in Council the payment, agreement or arbitration ;

Then, the Governor may, by Proclamation, erect the Town into a City, by a name to be given thereto in the Proclamation.

16. The Governor may include in the new Town or City such portions of any Township or Townships adjacent thereto and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies of the new Town or City, the Governor in Council may consider it desirable to attach thereto.

17. The Governor may divide the new Town or City into Wards with appropriate names and boundaries, but no Town shall have less than three Wards, and no Ward less than five hundred inhabitants.

18. In case any tract of land so attached to the Town or City belonged to another County, the same shall thenceforward for all purposes cease to belong to such other County, and shall belong to the same County as the rest of the Town or City.

NEW DIVISION OF WARDS IN CITIES AND TOWNS.

19. In case two thirds of the Members of the Council of a City or Town, do in Council before the Fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into Wards being made of the City or Town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of the City or Town, it may seem desirable to add thereto respectively, the Governor may, by proclamation, divide the

the City or Town, or such part thereof into Wards, as may seem expedient, and may add to the City or Town any part of the adjacent Township or Townships, which the Governor in Council on the grounds aforesaid considers it desirable to attach thereto.

Extension of City.

LIBERTIES IN CITIES ABOLISHED.

20. There shall be no liberties or outer Wards in Cities.

No liberties.

EXISTING BY-LAWS CONTINUED.

21. In case a Village be incorporated, or an Incorporated Village or Town with or without additional area, be erected into a Town or City, the By-laws in force therein respectively shall continue in force until repealed or altered by the Council of the new Corporation; But no such By-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the Council which passed the same.

By-laws to continue in Cities, Towns and Villages, until, &c.

When not to be repealed.

22. In case an addition be made to the limits of a Municipality, the By-laws of the Municipality shall extend to the additional limits, and the By-laws of the Municipality from which the same has been detached shall cease to apply to the addition, except only By-laws relating to roads and streets, and these shall remain in force until repealed by By-laws of the Municipality added to.

And when the limits of a Municipality are extended.

LIABILITY TO DEBTS TO CONTINUE.

23. In case of the formation of an Incorporated Village, or of the erection of an Incorporated Village into a Town, or of a Town into a City, the Village, Town or City shall remain liable to all the debts and liabilities to which the Village or Town was previously liable, in like manner as if the same had been contracted or incurred by the new Municipality.

Liability to debts to continue.

24. After an addition has been made to a Village, Town or City, the Village, Town or City shall pay to the Township or County from which the additional tract has been taken, such part (if any) of the debts of the Township or County as may be just; and in case the Councils do not, within three months after the first meeting of the Council of the Municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act.

And in case of an extension of limits.

COUNCILS AND OFFICERS TO CONTINUE.

25. In case any place be erected into an Incorporated Village, or an Incorporated Village into a Town, or a Town into a City, the Council and the members thereof having authority in the place

Former Council and Officers to exercise jurisdiction

over new Municipalities, &c., until new Councils are organized.

place or Municipality immediately before such erection, shall, until the Council for the newly erected Corporation be organized, continue to have the same powers as before ; and all other Officers and Servants of the place or Municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before.

WITHDRAWAL OF TOWNS FROM THE JURISDICTION OF THE COUNTY.

Town may be withdrawn from jurisdiction of County by By-law on certain conditions.

26. The Council of any Town may pass a By-law to withdraw the Town from the jurisdiction of the Council of the County within which the town is situated, upon obtaining the assent of the electors of the Town to the By-law in manner provided by this Act, subject to the following provisions and conditions :

Amount to be paid by Town towards expenses of administration of justice to be settled.

1. After the final passing of the By-law, the amount which the Town is to pay to the County for the expenses of the administration of Justice, the use of the Gaol, and the erection and repairs of the registry office and for providing books for the same, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this Act ; and the agreement or award shall distinguish the amounts to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to continue ;

Matters to be considered in settling the same.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the Town, or which the Town may be then liable to pay, for the construction of roads or bridges by the County, without the limits of the town ; and also what the County may have paid, or be liable to pay, for the construction of roads or bridges within the Town ; and they shall also ascertain and allow to the Town the value of its interest in all County property except roads and bridges within the Town ;

Copy of agreement to be sent to the Governor.

Proclamation.

3. When the agreement or award has been made, a copy of the same and of the By-law, duly verified by affidavit, shall be transmitted to the Governor, who shall thereupon issue his proclamation withdrawing the Town from the jurisdiction of the Council of the County ;

Effect of such Proclamation.

4. After the proclamation has been issued, the offices of Reeve and Deputy Reeve or Deputy Reeves of the Town shall cease ; and no By-law of the Council of the County shall have any force in the Town, except so far as relates to the care of the Court House and Gaol, and other County property in the Town ; and the Town shall not thereafter be liable to the County for, or be obliged to pay to the County or into the County Treasury,

Treasury, any money for County debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid ;

5. After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the Town to the County for the expenses of the administration of Justice ;

New agreement after five years.

6. After the withdrawal of a Town from the County, all property theretofore owned by the County, except Roads and Bridges within the Town, shall remain the property of the County.

Property after withdrawal.

TOWNSHIPS.

ERECTION OF NEW TOWNSHIPS.

27. In case a Township be laid out by the Crown in territory forming no part of an Incorporated County, the Governor may by proclamation erect the Township, or two or more of such Townships lying adjacent to one another, into an Incorporated Township or Union of Townships, and annex the same to any adjacent Incorporated County ; and the proclamation shall appoint the Returning Officer who is to hold, and the place for holding, the first Election in the Township or Union of Townships.

New Township beyond the limits of Incorporated Counties may be attached to a County by proclamation.

SEPARATION OF UNITED TOWNSHIPS.

28. When a Junior Township of an incorporated Union of townships has one hundred resident freeholders and householders on the assessment-roll as last finally revised and passed, such Township shall, upon the first day of January then next thereafter, become separated from the Union.

Junior Township containing 100 freeholders, &c., to become a separate Municipality.

29. In case a Junior Township has at least fifty but less than one hundred resident freeholders and householders on the last revised assessment-roll, and two thirds of the resident freeholders and householders of the Township, petition the Council of the County to separate the Township from the Union to which it belongs ; and in case the Council considers the Township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining Township for Municipal purposes,—the Council may, by By-law, separate the same from the Union ; and the By-law shall name the Returning Officer who is to hold, and the place for holding the first Election under the same.

In what case Junior Township containing less than 100, but exceeding 50, may be separated, and how.

ANNEXATION OF GORES.

The Governor may annex Gores to adjacent Townships.

30. The Governor may, by Proclamation, annex to any Township, or partly to each of more Townships than one, any Gore or small tract of land lying adjacent thereto and not forming part of any Township, and such Gore or tract shall thenceforward for all purposes form part of the Township to which it is annexed.

ANNEXATION OF NEW TOWNSHIPS.

New Townships, &c., within the limits of Incorporated Counties, to be united to adjacent Townships, and how.

31. In case a Township be laid out by the Crown in an incorporated County or Union of Counties; or in case there is any Township therein not incorporated and not belonging to an Incorporated Union of Townships,—the Council of the County or United Counties shall, by By-law, unite such Township for Municipal purposes, to some adjacent Incorporated Township or Union of Townships in the same County, or Union of Counties.

Townships not incorporated or united may be formed into unions, and how.

32. In case of there being at any time in an Incorporated County or Union of Counties two or more adjacent Townships not incorporated and not belonging to an Incorporated Union of Townships; and in case such adjacent Townships have together not less than one hundred resident freeholders and householders within the same,—the Council of the County or Union of Counties may, by By-law, form such Townships into an independent Union of Townships.

Townships in different Counties.

33. In case the united Townships are in different Counties, the By-law shall cease to be in force whenever the union of the Counties is dissolved.

SENIORITY OF TOWNSHIPS.

Seniority of Townships, how regulated.

34. Every Proclamation or By-law forming a Union of Townships shall designate the order of seniority of the Townships so united, and the Townships of the Union shall be classed in the By-law according to the relative number of freeholders and householders on the last revised assessment roll.

COUNTIES.

NEW COUNTIES.

New Counties how formed by Proclamation and annexed or united.

35. The Governor may, by Proclamation, form into a new County, any new Townships not within the limits of an Incorporated County, and may include in the new County one or more unincorporated Townships or other adjacent unorganized Territory, (defining the limits thereof) not being within an Incorporated County, and may annex the new County

County to any adjacent Incorporated County ; or in case there is no adjacent Incorporated County, or in case the Governor in Council considers the new County, or any number of such new Counties lying adjacent to one another and not belonging to an Incorporated Union, so situated that the Inhabitants cannot conveniently be united with the inhabitants of an adjoining Incorporated County for Municipal purposes, the Governor may, by the Proclamation, erect the new County, or new adjacent Counties, into an independent County or Union of Counties for the said purposes, and the Proclamation shall name the new County or Counties.

SENIORITY OF.

36. In every Union of Counties, the County in which the County Court House and Gaol are situate, shall be the Senior County, and the other County or Counties of the Union shall be the Junior County or Counties thereof.

Seniority of United Counties how regulated.

LAWS APPLICABLE TO.

37. During the Union of Counties, all Laws applicable to Counties (except as to representation in Parliament and Registration of Titles) shall apply to the Union as if the same formed but one County.

Laws applicable to union of Counties.

VENUE IN.

38. In the case of United Counties, the Venue in any Judicial proceedings shall be laid in the proper County of the Union (naming it) and describing it as one of the United Counties of , and in such case the Jury for the trial of any issue, Civil or Criminal, or the assessment of any damages, shall be summoned from the body of the United Counties.

Venue how laid in unions of Counties.

ERECTION OF PROVISIONAL CORPORATIONS AND SEPARATION OF JUNIOR COUNTIES.

PRESIDING MEMBER—FIRST MEETING—COUNTY TOWN.

39. When the Census Returns taken under an Act of Parliament, or under the authority of a By-law of the Council of any United Counties, show that the Junior County of the Union contains seventeen thousand inhabitants, or more, then, if a majority of the Reeves and Deputy Reeves of such County do, in the month of February pass a resolution affirming the expediency of the County being separated from the Union ; and if in the month of February in the following year, a majority of the Reeves and Deputy Reeves transmit to the Governor in Council a petition for the separation, and if the Governor deems the circumstances of the Junior County such as to call for a separate establishment of Courts and other County institutions, he

Provisional separation of United Counties by Proclamation appointing place of meeting and presiding officer.

And County
Town.

he may, by Proclamation setting forth those facts, constitute the Reeves and Deputy Reeves for the County a Provisional Council, and in the Proclamation appoint a time and place for the first meeting of the Council, and therein name one of its Members to preside at the meeting, and also, therein determine the place for and the name of the County Town.

Who to preside
till Provisional
Warden chosen.

40. The Member so appointed shall preside in the Council until a Provisional Warden has been elected by the Council from among the members thereof.

PROVISIONAL OFFICERS.

Appointment of
Provisional
Warden, &c.

41. Every Provisional Council shall from time to time appoint a Provisional Warden, a Provisional Treasurer, and such other Provisional Officers for the County as the Council deems necessary.

His Term of
office ;

42. The Provisional Warden shall hold office for the Municipal year for which he is elected.

And of Treas-
urer, &c.

43. The Treasurer and other Officers so appointed shall hold Office until removed by the Council.

PURCHASE OF PROPERTY.

Provisional
Councils may
acquire lands
for Gaols and
Court Houses.

44. Every Provisional Council may acquire the necessary property at the County Town of the Junior County on which to erect a Court House and Gaol, and may erect a Court House and Gaol thereon, adapted to the wants of the County and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass By-laws for such purposes.

POWERS OF THE UNION NOT TO BE INTERFERED WITH.

Powers of Pro-
visional Coun-
cil not to inter-
fere with pow-
ers of the
union.

45. The powers of a Provisional Council shall not interfere with the powers of the Council of the Union, and any money raised by the Provisional Council in the Junior County shall be independent of the money raised therein by the Council of the Union.

DEBTS AND ASSETS OF THE UNION.

Agreement as
to debts upon
dissolution.

46. After a Provisional Council has procured the necessary property and erected thereon the proper buildings for a Court House and Gaol, the Council may enter into an agreement with the Senior or remaining County or Counties for payment to such County or Counties of any part of the debts of the Union as may be just, and for determining the amount to be so paid and the times of payment.

47. No Member of the Provisional Council shall vote or take any part in the Council of the Union on any question affecting such agreement or the negotiation therefor.

When Provisional Councilors shall not vote.

48. In case the Councils do not then agree as to the amount or periods of payment, the matter shall be settled between them by Arbitration under this Act; And the Junior County shall pay to the Senior or remaining County or Counties of the Union the amount so agreed upon or settled, and such amount shall bear interest from the day on which the Union is dissolved, and shall be provided for, like other debts, by the Council of the Junior County after being separated; Provided always, that if no such debts exist and the councils do not agree as to the division of the property belonging to the united counties, that then an arbitration shall take place within twelve months after the separation of such counties has taken place, and the arbitrators shall take into consideration and allow to the junior county the fair proportion of the value of any personal property of the United Counties, which by the separation of the counties becomes the exclusive property of the senior county.

Arbitrament.

Payment of debts upon dissolution.

Debt to bear interest.

Proviso : If there are no debts, as to division of property.

GOVERNOR TO APPOINT JUDGES, &C.

49. After the sum to be paid by the Junior County to the Senior or remaining County or Counties has been paid or ascertained by agreement or arbitration, the Governor in Council shall appoint for the Junior County, a Judge, a Sheriff, one or more Coroners, a Clerk of the Peace, a Clerk of the County Court, a Registrar, and at least twelve Justices of the Peace, and shall provide, in the Commission or Commissions, that the appointments are to take effect on the day the Counties become disunited.

Terms and time of separation.

Judge, &c., to be appointed.

50. The Office for the Registry of Deeds shall be kept in the County Town in like manner as in other Counties.

Registrar.

WHEN A JUNIOR COUNTY MAY BE SEPARATED.

51. After such appointments are made, the Governor shall, by proclamation, separate the Junior County from the Senior or remaining County or Counties, and shall declare such separation to take effect on the first day of January next after the end of three months from the date of the Proclamation; and on that day the Courts and officers of the Union shall cease to have any Jurisdiction in the Junior County; and the property of the Corporation of the Union situate in the Junior County shall become the property of the Corporation of the Junior County, and the property situate in the remaining County or United Counties shall be the property of the Corporation of the remaining County or United Counties; Provided always, that nothing herein contained shall prevent the Sheriff

United Counties, when and how to be separated by Proclamation.

Property how divided.

Proviso : as to execution and service of writs of

of any such senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands from executing all necessary deeds and conveyances relating to the same, and the acts of all such Sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

Place of trial after dissolution of unions, to be as ordered by the Court or a Judge.

52. If upon the dissolution of a Union of Counties, there is pending an action, information, indictment or other judicial proceeding in which the Venue is laid in a County of the Union, the Court in which the action, information or indictment is pending, or any Judge who has authority to make orders therein may, by consent of parties, or on hearing the parties upon affidavit, order the Venue to be changed to the new County, and all records and papers to be transmitted to the proper officers of such County, and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any Judge of either of the Superior Courts of Common Law, may make the order.

If no special order is made.

53. In case no such change be directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the Senior County.

COURTS IN.

Place for holding Courts after separation.

54. All Courts of the Junior County required to be held at a place certain, shall be held in the County Town of the Junior County.

PERSONS IN PRISON.

Indictable offences how to be disposed of.

55. Any person charged with an indictable offence who, at the time of the disuniting of a Junior from a Senior County, is imprisoned on the charge in the Gaol of the Senior County or is under Bail or Recognizance to appear for Trial at any Court in the Senior County, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the Senior County, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the Junior County, in which event the prisoner or recognizance (as the case may be) shall be removed to the latter County and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a County other than that in which such proceedings are had, the venue may be laid in the proper County describing it as "formerly one of the United Counties of, &c."

PERSONS ON BAIL.

56. Any person arrested or held to Bail under Civil Process, before the separation of a Junior from a Senior County, and liable to be imprisoned, shall be so imprisoned in the Gaol of the County in which he was arrested; and all proceedings in any suit or action in which any person was so arrested or held to Bail, and all proceedings after judgment founded on the Arrest or holding to Bail, shall be carried on as if the Arrest or holding to Bail had taken place in such County as a separate County; and in case the proceedings are to be had in the Junior County, all the records and papers relative to the case shall be transmitted to the proper Officer of the Junior County.

Proceedings in civil cases under bailable process.

PERSONS ON THE GAOL LIMITS.

57. In case a debtor or other person be (in manner prescribed by law) admitted to the Gaol limits of a Union of Counties, and the Union be afterwards dissolved, or one or more Counties be separated from the Union, such person or debtor may notwithstanding travel and reside in any portion of the said Counties as if no dissolution or separation had taken place, without committing a breach of any Bond or the condition thereof, or a forfeiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the Union be surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the Sheriff of the County in which he was arrested and be imprisoned in the Gaol thereof.

Privileges of persons admitted to Gaol limits saved on dissolution.

WHEN PROVISIONAL COUNCILS, OFFICERS, &C., TO BECOME ABSOLUTE.

58. When a junior County is separated from a Union of Counties, the Head and members of the Provisional Council of the junior County, and the officers, by-laws, contracts, property, assets and liabilities of the Provisional Corporation, shall be the Head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the new Corporation.

Officers and property, &c., continued.

BY-LAWS, DEBTS AND RATES OF FORMER UNIONS OF COUNTIES OR TOWNSHIPS AFTER BEING DISSOLVED.

59. When a junior County or Township is separated from a senior County or Township, the By-laws of the Union shall continue in force in the several Counties or Townships which composed the Union until altered or repealed by the Council or Councils of the same respectively.

By-laws to continue in Counties and Townships.

Upon dissolution of Township unions, the Junior to pay a just portion of debts of the union; and disposition of property of the union.

60. After the dissolution of a Union of Townships, the following shall be the disposition of the property of the Union :

1. The real property of the Union situate in the Junior Township, shall become the property of the Junior Township ;

2. The real property of the Union situate in the remaining Township or Townships of the Union shall be the property of the remaining Township or Townships ;

Joint interest in assets.

3. The two Corporations shall be jointly interested in the other assets of the Union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;

Arrangement as to debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the Union, and in respect to the debts of the Union, such sum or sums of money as may be just ;

How to be determined, in case of disagreement.

5. In case the Councils of the Townships do not within three months after the first meeting of the Council of the Junior Township, agree as to the disposition of the personal property of the Union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by arbitration under this Act ;

Amount settled to bear interest.

6. The amount so agreed upon or settled shall bear interest from the day on which the Union was dissolved ; and shall be provided for by the Council of the indebted Township like other debts ;

Case of Village separating from township.

7. The provisions of the six preceding subsections shall apply in all cases where an incorporated village separates from the township or townships in which it is situate.

Liability of unions for debts at the time of dissolution.

61. In case of the separation of a county or township from a union of counties or townships, each county or township which formed the union shall remain subject to the debts and liabilities of the union as if the same had been contracted or incurred after the dissolution by the respective Counties or Townships which constituted the Union, and the effect of the separation of such Union on the officers thereof and their sureties shall be as follows :

How only officers shall be affected.

1. The separation of a Junior County or Township from a Union of Counties or Townships, shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the Union who continues a public officer of the Senior County or Township or remaining Counties or Townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office,

office, duty, power, responsibility, suretyship and liability to the Senior County or Township, or remaining Counties or Townships ;

2. All such public officers shall, after such separation, be the officers of the Senior County or Township, or remaining Counties or Townships, as if they had originally been respectively appointed public officers for such Senior County or Township, or for such remaining Counties or Townships only ;

Further as to officers, and

3. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers, in respect only of such Senior County or Township, or of such remaining Counties or Townships ; and all securities which have been given shall, after such separation, be read and construed as if they had been given only for such Senior or remaining County or Counties, or Township or Townships ;

Their sureties.

4. Nothing herein contained shall affect the right of new sureties being required to be given by any sheriff, or by any clerk or bailiff or other public officer, under any statute, or otherwise howsoever.

Right to new sureties not affected.

62. After the dissolution, the Council of the Senior or remaining County or Township shall issue its debentures or other obligations for any part of any debt contracted by the Union for which debentures or other obligations might have been but had not been issued before the dissolution ; and such debentures or obligations shall recite or state the liability of the Junior County or Township therefor under this Act ; and the Junior County or Township shall be liable therefor as if the same had been issued by the Junior County or Township.

Debentures to issue for debts, and to bind the old and new Municipalities.

63. All assessments imposed by the Council of the Union for the year next before the year in which the dissolution takes effect, shall belong to the Union and shall be collected and paid over accordingly, and after the dissolution, all special rates for the payment of debts theretofore imposed by any By-law of the Union, shall continue to be levied in the junior County or Township ; and the Treasurer of the junior County or Township shall pay over the amount as received to the Treasurer of the senior County or Township, and the latter shall apply the money so received in the same manner as the money raised under the same By-law in the senior County or Township.

Assessments for year preceding dissolution, who to belong to.

Special rates for debts continued and to be paid over by Treasurer of the Junior County.

64. In case the amount so paid over to the Senior County or Township, or to any creditor of the Senior County or Township in respect of a liability of the Union, exceeds the sum which, by the agreement or award between the Councils, the junior County or Township ought to pay, the excess may be recovered against the senior or remaining County or Township as for money paid or as for money had and received, as the case may be :

If the sum paid over exceeds the just amount the excess to be refunded.

Provisions to apply to separation of Village from township.

1. The provisions of the five preceding sections, numbered sixty, sixty-one, sixty-two, sixty-three and sixty-four (except the subsections to section sixty-one) shall apply in all cases where an incorporated village separates from the township in which it is situated.

MUNICIPAL COUNCILS, &c., OF WHOM COMPOSED.

THE HEADS.

Heads of Corporations, &c.

65. The Head of every County and Provisional Corporation shall be designated the Warden thereof, and of every City and Town the Mayor thereof, and of every Township and Incorporated Village the Reeve thereof.

THE MEMBERS.

Composition of Councils.

66. The Councils of Counties, Cities, Towns, Incorporated Villages and Townships shall be constituted as follows :

1.—IN COUNTIES.

Counties.

The Council of every county shall consist of the Reeves and Deputy Reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the Council of the County, and one of the Reeves or Deputy Reeves shall be the Warden.

2.—IN CITIES.

Cities.

The Council of every city shall consist of three Aldermen for every ward, one of whom shall be Mayor to be elected in accordance with the provisions of the one hundred and fifth section of this Act.

3.—IN TOWNS.

Towns.

The Council of every town shall consist of the Mayor, who shall be the head thereof, and of two Councillors for every ward, and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a Reeve shall be added, and if the then last revised assessment roll contained the names of five hundred resident qualified electors, then a Reeve and Deputy Reeve shall be added, and for every additional five hundred names of qualified electors on such roll, there shall be elected an additional Deputy Reeve.

4.—IN INCORPORATED VILLAGES.

Incorporated Villages.

The Council of every incorporated village shall consist of one Reeve who shall be the head thereof, and four Councillors, and if the then last revised assessment roll contained the names of
five

five hundred resident qualified electors, then of a Reeve, Deputy Reeve, and three Councillors, and for every additional five hundred names of qualified electors on such roll, there shall be elected an additional Deputy Reeve instead of a Councillor.

5.—IN TOWNSHIPS.

The Council of every township shall consist of a Reeve who shall be the head thereof, and four Councillors, and if the then last revised assessment-roll contained the names of five hundred resident qualified electors, then the council shall consist of a Reeve, Deputy Reeve and three Councillors, and for every additional five hundred names of qualified electors on such roll, there shall be elected an additional Deputy Reeve instead of a Councillor.

Townships.

67. No Reeve or Deputy Reeve shall take his seat in the County Council until he has filed with the clerk of the county council a certificate under the hand and seal of the Township, Village or Town Clerk, that such Reeve or Deputy Reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such Reeve or Deputy Reeve; nor in case of a Deputy Reeve, until he has also filed with the Clerk of the County an affirmation or declaration of the Clerk, or other person having the legal custody of the then last revised assessment rolls for the municipality which he represents, that there appear upon such rolls the names of at least five hundred resident qualified electors in the municipality for each Deputy Reeve elected for such Municipality, and that no alteration reducing the limits of the municipality and the number of resident qualified electors within five hundred for each Deputy Reeve since the said rolls were last revised, has taken place.

County Councils.

Certificates to be filed by Reeves and Dpty. Reeves.

68. The Trustees of every Police Village shall be three in number, one of whom shall be the Inspecting Trustee.

Trustees of Police Villages.

PROVISIONAL COUNCILS.

WHO TO COMPOSE.

69. The Reeves and Deputy Reeves of the Municipalities within a junior County for which a Provisional Council is established shall *ex officio* be the members of the Provisional Council.

What Reeve and Deputy Reeves to be Provisional Council.

QUALIFICATION OF MAYORS, ALDERMEN, REEVES DEPUTY REEVES, COUNCILLORS AND POLICE TRUSTEES.

70. The persons qualified to be elected Mayors, Aldermen Reeves, Deputy Reeves and Councillors or Police Trustees, are such

Qualification of Councillors, &c;

such residents of the municipality within which, or within two miles of which, the municipality or police village is situate, as are not disqualified under this Act, and have, at the time of the election, in their own right or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, rated in their own names on the last revised assessment roll of such municipality or police village to at least the value following :

In Townships; In Townships—Freehold to four hundred dollars or leasehold to eight hundred dollars ;

In Police Villages; In Police Villages—Freehold or leasehold to four hundred dollars ;

In Incorporated Villages; In Incorporated Villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars ;

In Towns; In Towns—Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars ;

In Cities. And in Cities—for Mayor and Aldermen—Freehold to four thousand dollars, or leasehold to eight thousand dollars.

As to property partly freehold. And so in the same proportions in all municipalities and police villages in case the property is partly freehold and partly leasehold.

“ Leasehold ” defined. The term “ Leasehold ” in this section shall not include a term less than a tenancy for a year, or from year to year.

Nature of estate. And the qualification of all persons where a qualification is required under this Act, may be of an estate either legal or equitable.

In new Township not having Assessment Roll. **71.** In case of a new Township erected by proclamation for which there has been no assessment roll, every person who at the time of the first election has such an interest in real property and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification.

If only one person be qualified. **72.** In case in a municipality there are not at least two persons qualified to be elected for each seat in the Council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected.

DISQUALIFICATION.

Disqualifications of Councillors, &c. **73.** No Judge of any Court of Civil Jurisdiction, no Gaoler or Keeper of a house of correction, no Sheriff, Deputy-Sheriff, Clerk of the Peace, County Attorney, High Bailiff or Chief Constable of any City or Town, Assessor, Collector, Treasurer, Chamberlain, or Clerk of any Municipality, no Bailiff of a Division Court, no Sheriff's Officer, no person not having paid all taxes.

taxes due by him, no innkeeper or saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall be qualified to be a member of the Council of any Municipal Corporation; Provided always, that no person shall be held to be disqualified from being elected a member of the Council of any Municipal Corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the Council of such Municipal Corporation, or by having a lease of twenty-one years or upwards, of any property from the Corporation, but any such leaseholder shall not vote in the Corporation on any question affecting any lease from the Corporation.

Proviso: as to shareholders in Companies, &c.

EXEMPTIONS.

74. All persons over sixty years of age; all members and officers of the Legislative Council and of the Legislative Assembly; all persons in the Civil Service of the Crown; all Judges not disqualified by the last preceding section; all Coroners; all persons in Priest's Orders; Clergymen and Ministers of the Gospel of every denomination; all members of the Law Society of Upper Canada, whether Barristers or Students; all Attorneys and Solicitors in actual practice; all Officers of Courts of Justice; all members of the Medical profession, whether Physicians or Surgeons; all Professors, Masters, Teachers and other members of any University, College or School in Upper Canada, and all Officers and servants thereof; all Millers; and all Firemen belonging to an authorized Fire Company—are exempt from being elected or appointed Councillors or to any other corporate office.

Exemptions.

ELECTORS.

75. The Electors of every Municipality for which there is an Assessment-Roll, and the Electors of every Police Village, shall be the male freeholders thereof, whether resident or not, and such of the male householders thereof as have been resident therein for one month next before the Election, who are natural-born or naturalized subjects of Her Majesty, and of the full age of twenty-one years, and who were severally but not jointly rated on the then last Revised Assessment-Rolls, for real property in the Municipality or Police village, held in their own right or that of their wives as proprietors or tenants; and such rating shall be absolute and final, and shall not be questioned either by any Returning Officer, or on any application to set aside any election under this Act or any Act respecting the Municipal Institutions of Upper Canada.

Electors, qualification of in Townships, &c., having an Assessment-Roll.

76. In Cities, Towns, Townships and Incorporated Villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value following:

In Cities, Towns, and Incorporated Villages.

In

In Cities—Six hundred dollars.

In Towns—Four hundred dollars.

In Incorporated Villages—Three hundred dollars ;

In Townships—One hundred dollars.

In Police Villages—One hundred dollars.

In newly erected Township not having any Assessment-Rolls.

77. At the first election for a newly erected Municipality for which there is no separate Assessment-Roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property ; and every person so claiming to vote shall name the property on which he votes, and the Returning Officer, at the request of any Candidate or voter, shall note the property in his poll book opposite the voter's name.

Wards in which electors shall vote.

78. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification :

1.—In townships and incorporated villages divided into electoral divisions, no elector shall vote in more than one electoral division.

When landlord and tenant both rated.

79. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act.

When joint owners rated together.

80. When any real property is owned or occupied jointly by two or more persons, and is rated severally but not jointly at an amount sufficient to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

PARLIAMENTARY ELECTORS.

Qualification of electors at Parliamentary Elections.

81. Every male person entered on the then last revised assessment roll for every city, town, village or township, as the owner or occupant of real property of the actual value,—in cities, of six hundred dollars ; in towns, of four hundred dollars ; in incorporated villages, of three hundred dollars ; and in townships, of two hundred dollars, shall be entitled to vote at all Parliamentary elections, subject to the provisions of the Act chapter six of the Consolidated Statutes of Canada, except subsections numbered 1 and 2 of section four of the said Act, which are hereby repealed, in so far as they relate to Upper Canada.

MUNICIPAL ELECTIONS.**THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.**

82. No Election of Township Councillors shall be held within any City, Town or Incorporated Village, nor shall any Election for a Municipality or any Ward thereof be held in a tavern or house of public entertainment licensed to sell spirituous liquors.

Elections for Townships not to be in Cities, Towns or Villages, and no elections shall be in Taverns.

FIRST ELECTIONS IN NEW AND EXTENDED MUNICIPALITIES.

83. 1. In case of the Incorporation of a new Township or Union of Townships ; and

First elections where Corporations are newly erected or extended.

2. In case of the separation of a junior Township from a Union of Townships ; and

3. In case of the erection of a Police into an Incorporated Village, or of the erection of a Village into a Town or of a Town into a City ; and

4. In case of an additional tract of land being added to an Incorporated Village, Town or City, or in case of a new division into Wards of a Town or City ;

5. In each of the foregoing cases, the first election under the Proclamation or By-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the Proclamation, or from the passing of the By-law by which the change is made, and until such day the change shall not go into effect.

Times of elections.

SUBSEQUENT ELECTIONS.

84. Every Election shall be held in the Municipality or Police Village to which the same relates.

Places of elections.

85. The Council of every City, Town and Village Municipality (including a Village newly erected into a Town, and a Town newly erected into a City), shall from time to time by By-law, appoint the place or places for holding the next ensuing Municipal Election, otherwise the Election shall be held at the place or places at which the last Election for the Municipality or Wards or Electoral Divisions was held.

To be fixed by By-law for Municipalities.

86. The Council by which a Police Village is established shall, by the By-law establishing the same, name the place in the Village for holding the Election of Police Trustees.

Also for Police Villages.

87. The Electors of every city shall elect three Aldermen for every Ward, on the first Monday in January, in the year one thousand

Elections in Cities.

thousand eight hundred and sixty-seven, one of whom shall retire annually, in rotation, and on the first Monday of January in each year thereafter, shall elect one Alderman for each Ward, in the room of the retiring member.

In towns.

88. In Incorporated Towns having five Wards, there shall be two Councillors elected for each Ward, on the first Monday in January, in the year one thousand eight hundred and sixty-seven, one of whom shall retire annually, in rotation; and in Towns having less than five Wards, there shall be three Councillors elected for each Ward, on the first Monday in January, one thousand eight hundred and sixty-seven, one of whom shall retire annually in rotation, and on the first Monday in January in each year thereafter there shall be one Councillor elected for each Ward in all Towns.

Yearly elections of Councillors and Police Trustees.

89. The Electors of every Township and Incorporated Village Municipality shall elect annually on the first Monday in January, the Members of the Council of the said Municipality, and on the second Monday in January, the Electors of every Police Village shall annually elect the Police Trustees of the Village, and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council or Police Trustees is or are organized.

Ballot to determine order of retiring.

90. At the first meeting of the Council of every City and Town, elected after the passing of this Act, it shall be determined by ballot, under the direction of the Clerk, which of the members shall retire in the first, second and third year respectively, and the term of office of each Councillor or Alderman shall cease, according to the result of such ballot.

First election in junior Township after separation.

91. When a junior Township of a Union has one hundred resident freeholders and householders on the then last Revised Assessment-Roll, the Council of the County shall, by a By-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of Councillors in the Township, and appoint a Returning Officer for holding the same, and otherwise provide for the due holding of the election according to law.

Ward divisions in United Townships to cease on dissolution of union.

92. In case of the separation of a Union of Townships, the existing division into Wards, if any, shall cease as if the same had been duly abolished by By-law, and the elections of Councillors shall be by general vote until the Township or Townships are divided into electoral divisions under the provisions of this Act.

Certain elections to be by general vote.

93. The Election in Townships and Incorporated Villages of Reeves, Deputy Reeves and Councillors shall be by general vote, and shall be held at the place or places where the last meeting of the Council was held, or in such other place or places as may be from time to time fixed by By-law.

RETURNING

RETURNING OFFICERS.

94. The Council of every Municipality in which the election is to be by Wards or Electoral Divisions, shall, from time to time, by By-law, appoint Returning Officers to hold the next ensuing elections.

Returning Officers for elections by wards.

WHEN CLERKS TO BE EX-OFFICIO RETURNING OFFICERS.

95. In the case of a Municipality in which the election is not to be by Wards or Electoral Divisions, the Clerk shall be the Returning Officer at all elections after the first.

When Clerk to be *ex officio* Returning Officer.

RETURNING OFFICERS FOR THE FIRST ELECTION IN VILLAGES.

96. In every By-Law establishing a Police or Incorporated Village, a Returning Officer shall be appointed who is to hold the first election for such Village :

For first election in Villages.

2. In Police Villages, after the first election, the Trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the Returning Officer.

After first election, Police Trustees to appoint.

IF THE RETURNING OFFICER BE ABSENT.

97. In case, at the time appointed for holding an election, the person appointed to be Returning Officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no Returning Officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a Returning Officer, and such Returning Officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a Returning Officer.

The absence of the Returning Officer provided for.

THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

98. The Returning Officer shall, during the election, act as a Conservator of the Peace for the City or County in which the election is held ; and he, or any Justice of the Peace having jurisdiction in the Municipality in which the election is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election ; and, when thereto required, all constables and persons present at the election, shall assist the Returning Officer or Justice of the Peace, on pain of being guilty of a misdemeanor.

Returning Officers to be conservators of the peace ; their powers.

MAY SWEAR IN SPECIAL CONSTABLES.

Special Constables may be sworn in.

99. Every Returning Officer or Justice of the Peace may appoint and swear in any number of Special Constables to assist in the preservation of the peace and of order at the election ; and any person liable to serve as Constable and required to be sworn in as a Special Constable by the Returning Officer or Justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

PROCEEDINGS AT ELECTIONS IN TOWNSHIPS AND INCORPORATED VILLAGES.

Nomination meeting.

100. A meeting of the electors shall take place for the nomination of candidates for the offices of Reeve, Deputy Reeves, Councillors and Police Trustees, in townships, incorporated villages and police villages, at noon on the last Monday but one in December annually, at such place therein as shall from time to time be fixed by By-law :

President.

1. The Clerk (or in his absence a Chairman to be chosen) shall preside at such meeting, of which the Clerk shall give at least six days' notice ;

If no more candidates than offices.

2. If only the necessary number of candidates to fill the vacant offices, shall be proposed and seconded, the Clerk or Chairman shall, after the lapse of one hour, declare such candidate or candidates duly elected ;

If more and poll demanded.

3. If more than the necessary number of candidates are proposed, and a poll is demanded by any candidate or elector, the Clerk or Chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened in each electoral division, or if the municipality be not divided into electoral divisions, then at such place as the council shall by by-law determine for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer ;

Notice of persons proposed.

4. The Clerk or Chairman of the meeting shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality, the names of the persons proposed for the respective offices, and the Clerk shall provide the Returning Officer, or Officers in case of electoral divisions, with a certified list of the names of such candidates, specifying the offices for which they are respectively candidates ;

List of voters.

5. The Clerk shall, before the poll is opened, deliver to the Returning Officer for every electoral division, or police village, a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in that electoral division or village

village, to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration ;

6. The Clerk shall provide the Returning Officer with a Poll-book, and he, or his sworn Poll-clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure " 1 " opposite the voter's name ;

Poll-books.

How kept.

7. In townships, incorporated villages and police villages, every Returning Officer shall, on the day after the close of the Poll, return the poll-book to the Township Clerk, verified under oath before the said Clerk or any Justice of the Peace for the county or union of counties in which the said township, incorporated or police village may lie, as to the due and correct taking of the votes ;

Returning the Poll-books.

8. The Clerk of the Township, incorporated village or police village, (or person so appointed Chairman as aforesaid), shall add up the votes set down for each candidate in the respective poll-books, and ascertain the aggregate number of votes, and shall, at the town-hall, or other place at which the nomination was held, at noon of the day following the return of the poll-book, publicly declare the Reeves and Councillors, or Reeve, Deputy Reeve and Councillors, as the case may be, who have been elected ;

Summing up votes.

Declaring candidates elected.

9. In case two or more candidates have an equal number of votes, the said Clerk, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the Clerk shall not vote at any such election.

Casting vote in case of ties.

PROCEEDINGS AT ELECTIONS OF ALDERMEN IN CITIES AND COUNCILLORS IN TOWNS.

101. The proceedings at such elections shall be as follows :

Elections how conducted.

1. A meeting of the Electors shall take place for the nomination of candidates for the offices of Aldermen in cities, and of Councillors in towns, at noon, on the last Monday but one in December, annually, in each ward or electoral division thereof, at such places therein as shall from time to time be fixed by By-laws of the said city or town Councils :

Nomination meeting.

2. The Returning Officer for each ward or electoral division, in cities and towns, or in his absence the Chairman to be chosen by the meeting, shall preside, and the Returning Officer shall give at least six days' notice of such meeting ;

Notice.

If no more candidates than offices.

3. If only the necessary number of candidates to fill the vacant offices shall be proposed and seconded, the Returning Officer or Chairman shall, after the lapse of one hour, declare such candidates duly elected;

If more and poll demanded.

4. If more than the necessary number of candidates be proposed, and a poll is demanded by any candidate or elector, the Returning Officer or Chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened in each ward or electoral division, for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer;

Lists of voters.

5. The Clerk of town or city shall, before the poll is opened, deliver to the Returning Officer for every or any ward or electoral division, a list of the names arranged alphabetically of all male freeholders and householders rated upon the then last revised assessment roll for real property lying in that ward or electoral division to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration;

Poll-books.

6. The Clerk of every town or city shall provide the Returning Officer of every ward or electoral division, with a poll-book, and at every election at which a poll is demanded, the Returning Officer or his sworn poll-clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name;

How kept.

WHAT OATHS HE MAY ADMINISTER.

Returning Officer may administer oaths.

7. The Returning Officer or Chairman may administer all oaths or affirmations necessary at the election;

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

The only oaths to be required of voters.

8. At any election, or at any public vote in respect of a By-law which requires the assent of the electors, the only oaths or affirmations to be required of any person claiming to vote, are, that he is of the full age of twenty-one years—and is a natural-born subject of Her Majesty, or has obtained a certificate of naturalization from the Quarter Sessions, or was a resident of Canada before the eighteenth day of January, one thousand eight hundred and forty-nine—that he has been, if a householder, a resident within the municipality for which the election is held, or vote taken, for one month next before the election, and that he has not before voted at the election or on the By-law in the township or ward in which he is voting

voting (*as the case may be*) ; and that he is the person named or purporting to be named, in the list of voters (*or, in case of a new Municipality in which there has not yet been any Assessment-Roll, and that he is a freeholder or resident householder in, naming the property entitling him to vote at the election*); and that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election ; and such oaths shall be administered at the request of any candidate or his authorized agent, and no inquiries shall be made of any such person except with respect to the facts specified in such oaths or affirmations ;

9. The Returning Officer shall, at the close of the poll, add up the number of votes set down for each candidate, for the office of Alderman in Cities and of Councillor in Towns, and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates respectively standing highest on the Poll ; but where a ward is divided into two or more electoral divisions, each Returning Officer shall at the close of the poll return his poll-book to the city or town clerk, who shall as soon as possible thereafter add up the number of votes and publicly declare the candidate so elected ;

Returning Officer to declare result of the election.

10. In case two or more candidates have an equal number of votes, the Returning Officer, or in case of a ward divided into electoral divisions the Town or City Clerk, whether otherwise qualified or not, shall give a vote for one or more of such candidates, so as to decide the Election ; and, except in such case, no Returning Officer, or Town or City Clerk, shall vote at any Election held by him.

When to have-casting vote..

102. The Returning Officer shall, on the day after the close of the Election, return the poll-book to the Clerk of the Municipality from whom he received the copy of the voter's list, and also his solemn Declaration thereto annexed, that the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected.

Poll books to be returned to the Clerk.

Attestation.

103. In case, by reason of riot or other emergency, an election is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, for four days until the poll has been open without interruption and with free access to voters, for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote.

Election riotously broken up, to be resumed.

If election is prevented for four days, Poll book to be returned, and a new election ordered.

104. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the Returning Officer shall not return any person as elected, but shall return his poll-book on the following day to the Head of the Municipality, certifying the cause of there not having been an election, and a new election shall take place; and the Head of the Municipality shall issue his warrant accordingly.

**ELECTION OF MAYORS IN CITIES, AND OF MAYORS, REEVES
AND DEPUTY REEVES OF TOWNS.**

Election of Mayors, reeves, &c.

105. Mayors of cities shall be elected by the members of the council at their first meeting in each year, and Mayors, Reeves and Deputy Reeves in towns, shall be chosen by the electors of such towns at the annual election to be held on the first Monday in January, unless chosen by acclamation on the day of nomination.

Qualification of.

106. The qualification of a Mayor in cities shall be the same as that of an Alderman in cities, and the qualification of Mayor, Reeve and Deputy Reeve in towns, shall be the same as that of a councillor in towns.

Time and place for nominating.

107. A meeting of the Electors shall take place for the nomination of candidates for Mayor, Reeve and Deputy Reeve at the Town Hall, on the last Monday but one in the Month of December before the annual election, at ten of the clock in the forenoon.

The Clerk to preside.

108. The Town Clerk shall preside at such meeting, or, in case of his absence, the council shall appoint a person to preside in his place; if the clerk or the person so appointed does not attend, the Electors present shall choose a Chairman or person to officiate from among themselves.

With powers of a Returning Officer.

109. Such Clerk or Chairman shall have all the powers of a Returning Officer.

If only one Candidate proposed for an office.

110. If only the necessary number of qualified candidates be proposed within one hour by any elector present at such meeting for any of the said offices, the Clerk or Chairman shall declare such candidates duly elected.

If more and a Poll is demanded, the election to be by Wards.

111. If more candidates than the necessary number are proposed for any of the said offices, and if a poll is demanded, the Clerk or Chairman shall, on the following day, post up in the office of the Clerk the names of the persons proposed, and give notice thereof to the Returning Officer for every Ward or Electoral Division.

112. In case of a contest in an election for the office of Mayor, Reeve or Deputy Reeve, the Returning Officer for every Ward or Electoral Division shall keep the poll open for the full time required by law for taking the votes, though there may be no contest for the other offices for which he holds the election. Duration of Poll.

113. Every Returning Officer shall enter in his Poll-Book, in separate columns, the names of the candidates for the office of Mayor, Reeve or Deputy Reeve, and of Councillors in Towns, and shall, in the column in which is entered the name of a candidate for Mayor, Reeve, Deputy Reeve, or Councillor, voted for by any voter, set the number "1" opposite the voter's name. Poll books to be kept;

114. Every Returning Officer shall, on the day after the close of the poll, return the poll-book to the City or Town Clerk, verified by his solemn declaration. And returned to the Clerk.

115. The Town Clerk shall add up the number of votes set down for each candidate for Mayor, Reeve and Deputy Reeve (*as the case may be*) in the respective poll-books so returned, and ascertain the aggregate number of such votes, and in case a poll has been taken and the poll-books have been returned for every Ward or Electoral Division, the Clerk shall, at the Town Hall, at noon of the day following the return of the poll-books, declare elected the candidate or candidates having the largest number of votes polled. Clerk to add up Poll books and declare the result.

116. In case two or more candidates for Mayor, Reeve or Deputy Reeve have an equal number of votes, the Town Clerk, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, which vote shall decide the election, but except in such cases, no Town Clerk shall vote at any election. Casting vote if no majority for any Candidate.

117. Aldermen in cities shall make the necessary declarations before some Justice of the Peace or Judge of a Court of Record : Declarations of office, how made, &c.

2. The Mayor elect in towns shall make and subscribe the necessary declarations of office and qualification on the day appointed for the first meeting of the Council, and shall afterwards administer the necessary declarations to the other members of the Council.

118. No other business shall be proceeded with at the said meeting until the said declarations have been administered to all the members who present themselves to take the same. No other business before declarations.

119. If no return has been made for one or more wards, in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, If no return for one or more Wards.
the

the Clerk shall declare the want of return for such ward or wards, or Electoral Divisions, and the cause thereof.

If no return for one or more wards proceedings in such case.

120. In case no return be made for one or more wards in consequence of non-election, owing to interruption by riot or other cause, the members of council elect being at least a majority of the whole members of the Council when full, shall elect one of the Aldermen elect in Cities, or one of the Councillors-elect in Towns, to be Presiding Officer, at which election the Clerk shall preside, and such officer shall take the necessary declarations and possess all the powers of Mayor, until a poll for such Ward, Wards, or Electoral Division or Divisions, has been held under a warrant in the manner provided for in the one hundred and twenty-fifth section of this Act.

When Poll completed, Clerk to add up votes and declare result; when and where.

121. When a poll has been duly held in each of such Wards, and the poll-books returned to the Clerk, the Clerk shall add up the number of votes for Mayor, Reeve, Deputy Reeves and Councillors, and in cities for Aldermen, therein set down for the respective candidates, and ascertain the aggregate number of votes for Mayor, Reeve or Deputy Reeves, Councillors or Aldermen contained in such last-mentioned poll-books, together with the votes contained in the poll-books previously returned for the other Wards, and shall, at noon on the next day, at the Town Hall, declare elected Mayor, Reeve or Deputy Reeve (*as the case may be*) the candidate having the greatest number of votes polled; and in cities whenever the return has been made under such warrant, and the Alderman or Aldermen so elected has or have been qualified as such, the election of Mayor of such city shall be proceeded with at the next meeting of the Council in the same manner as is provided by the one hundred and fifth section of this Act.

Election of mayor in cities.

Declaration and assumption of office.

122. The person or persons so elected shall forthwith make the necessary declaration of office and assume the same accordingly.

DUTIES OF MAYORS.

Mayor to be the Head of the Council; His duties.

123. The Mayor shall be deemed the Head of the Council, and the Head and Chief Executive Officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the Government of the City or Town to be duly executed and put in force; to inspect the conduct of all subordinate Officers in the Government thereof, and as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council, all such information, and recommend such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the City or Town.

ELECTION WHEN SEATS VACATED, &c.

124. In case a member of council be convicted of felony or infamous crime, or be declared a bankrupt, or be charged in execution for debt, and remains in close custody, or upon the gaol limits for one month, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or in case a *nulla bona* has been returned against him, or he absents himself from the meetings of the council for three months without being authorized by a resolution of the council entered on its minutes, his seat in the council shall thereby become vacant.

Seats vacated by crime, insolvency, absence, &c.

125. In any case provided for by the one hundred and twentieth or one hundred and twenty-fourth sections, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the Council caused by death, judicial decision or otherwise, the Head of the Council for the time being, or in case of his absence, or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the members of the Council shall forthwith, by warrant under the signature of such Head, Clerk or Member, and under the corporate seal, require the Returning Officer appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

New elections provided for.

126. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled.

Term of office.

127. In case such non election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the warrant for the new election shall be issued by the Head or a member of the Council for the previous year, or by the Clerk in like manner as provided for by the one hundred and twenty-fifth section, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council.

Non-election of Members not to prevent organization of Council.

128. The Returning Officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division.

Time for holding and notice of new election.

APPOINTMENTS IF ELECTION NEGLECTED.

Appointment if election neglected or declined.

129. In case at any annual or other election, the electors, from any cause not provided for by the one hundred and third and one hundred and fourth sections, neglect or decline, to elect the members of Council for a municipality on the day appointed, or to elect the requisite number of members the other members of the Council, or if there are none, then the members for the preceding year, or the majority of them, respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect, as if elected.

Trial of contested elections or right to elect.

130. In case the right of any municipality to a Reeve or Deputy Reeve or Reeves, or in case the validity of the election or appointment of Mayor, Warden or Reeve, or Deputy Reeve, Alderman, Councillor or Police Trustee, is contested, the same may be tried in term or vacation by a Judge of either of the Superior Courts of Common Law, or the senior or officiating Judge of the County Court of the County in which the election or appointment took place; and when the right of a municipality to a Reeve or Deputy Reeve or Reeves is the matter contested, any municipal elector in the County may be the relator, and when the contest is respecting the validity of any such election or appointment as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, may be the relator for the purpose.

PROCEEDINGS FOR THE TRIAL THEREOF.

131. The proceedings for the trial shall be as follows:—

Time for limited, and security and proof required.

1. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance, before the judge, or before a Commissioner for taking bail, in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the Judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested;

Writ of *quo warranto*.

When the Relator claims to be elected.

2. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity both of the election complained of and the alleged election of the relator or other person;

3. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons ;

When several are complained of.

4. Where more Writs than one are brought to try the validity of an election, or the right to a Reeve or Deputy Reeve or Reeves as aforesaid, all such writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit ;

All to be tried by the same Judge.

5. The writ shall be issued by the clerk of the process of the said Superior Courts, or by the Deputy Clerk of the Crown in the County in which the election took place, and shall be returnable before the Judge in Chambers of the Superior Court at Toronto, or before the Judge of the County Court at a place named in the Writ, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ ;

Writ, who to issue, and return day thereof.

6. The Judge before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the Returning Officer a party thereto ;

Returning Officer may be made a party.

7. Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit ;

Service to be personal, unless excused by Judge.

8. The Judge before whom the writ is returned, may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose ; and any intervening party shall be liable or entitled to costs like any other party to the proceedings ;

The Judge may allow persons &c. to intervene.

9. The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a Reeve or Deputy Reeve or Reeves, and may by order cause the assessment rolls, Collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient ;

Judge shall try summarily.

Proof.

10. In case the election complained of be adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, the

And remove, admit or confirm.

Judge

Judge shall forthwith order a writ to issue, causing such other person to be admitted ; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held ;

If all the Members ousted, &c., writ for new election to go to the Sheriff.

11. In case the election of all the members of a Council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the Council, shall be directed to the Sheriff of the County in which the election took place ; and the Sheriff shall have all the powers for causing the election to be held which a Municipal Council has in order to supply vacancies therein ;

Defendant may disclaim.

How to proceed.

12. Any person whose election is complained of may, within one week after service on him of the writ, transmit post paid, through the Post Office, directed " To the Clerk of the Judges' Chambers, at Osgoode Hall, Toronto," or to " The Judge of the County Court," of the County of _____, (as the case may be) or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him, to the effect following :

Form of disclaimer, &c.

" I, A. B., upon whom a writ of summons, in the nature of " a *Quo Warranto*, has been served for the purpose of contesting my right to the office of Township Councillor, (or as the case may be,) for the Township of _____, in the County of _____, (or as the case may be,) do hereby disclaim the said office, and all defence of any right " I may have to the same."

Dated the _____

day of _____,

(Signed,)

A. B.

Posting and Registry of disclaimer.

13. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word " Disclaimer " and be registered at the Post Office where mailed ;

Duplicate disclaimer to be delivered to Clerk.

14. Every person so disclaiming shall deliver a duplicate of his Disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council ;

Costs provided for.

15. No costs shall be awarded against any person disclaiming as aforesaid, unless the Judge is satisfied that such party consented to his nomination as a candidate or accepted the office, in which cases the costs shall be in the discretion of the Judge ;

When discretionary.

16. In all cases, not otherwise provided for, costs shall be in the discretion of the Judge ;

17. Where there has been a contested Election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the Municipality a disclaimer signed by him as follows :

Person elected may disclaim at any time before his election is complained of.

"I, A. B., do hereby disclaim all right to the office of Township Councillor, (*or as the case may be,*) for the township of (*or as the case may be*) and all defence of any right I have to the same."

Such disclaimer shall operate as a resignation, and relieve the party making it from all liability, and the candidate having the next highest number of votes shall then become the Councillor, or as the case may be ;

Disclaimer to operate as resignation.

18. The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the Court from which the writ issued, there to remain of record as a judgment of the said Court ; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *Mandamus*, and by writs of execution for the costs awarded ;

Judge to return his judgment to the Court in term ; it shall be final.

19. The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, *Mandamus* and Execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same or any other writ or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon ; and may from time to time rescind, alter or add to such rules ; but all existing rules shall remain in force until rescinded or altered as aforesaid ;

The Judges to make rules, &c.

132. The appointment of members of Municipal Councils, when required to be made under this Act shall be deemed elections within the preceding section, and in such cases the relator may be any member of the Council or any elector of the Municipality or Ward for which the appointment was made.

Appointments equivalent to elections.

MEETINGS OF COUNCIL, &c.

FIRST MEETING OF MEMBERS ELECT.

133. The members of every Municipal Council, (except County Councils,) and the trustees of every Police Village, shall hold their first meeting at noon, on the third Monday of the same January in which they are elected, or on some day thereafter at noon ; and the members of every County Council shall

First meetings of Councils.

shall hold their first meeting at noon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter.

Place, in Coun-
ties.

134. The members of every County Council shall hold their first meeting at the County Hall, if there is one, or otherwise at the County Court House.

ELECTION OF HEADS OF COUNCIL, OTHER THAN OF CITIES AND TOWNS.

Elections of
Heads of Coun-
ty Councils.

135. The members elect of every County Council, being at least a majority of the whole number of the Council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a Council by electing one of themselves to be Warden, and such person shall be the head of the Council.

Who to preside
at.

136. At every such election the Clerk of the Council shall preside, and if there is no Clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member.

Who to have
the casting vote
in the event of
equality of
votes.

137. In case of an equality of votes on the election of the head of any County Council, or provisional County Council, then, of those present, the Reeve, or in his absence, the Deputy Reeve, of the municipality which has the largest number of names on its last revised assessment roll, as rate-payers, shall have a second and casting vote.

SUBSEQUENT MEETINGS.

Place of meet-
ing of County
Councils

138. The subsequent meetings of the County Council, and all the meetings of every other Council, shall be held at such place, either within or without the municipality, as the Council from time to time, by Resolution on adjourning to be entered on the minutes, or by By-law, appoints.

Place of may
be in Cities.

139. The Council of the County in which any City lies, may hold its sittings, keep its public offices, and transact all the business of the Council and of its officers and servants within such City, and may purchase and hold such real property therein as may be convenient for such purposes.

Meetings to be
open.

140. Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct.

Special may be
closed; where
held.

141. In case there is no By-law of a council fixing the place of meeting, any special meeting of the Council shall be held at the place where the then last meeting of the Council was held, and a special meeting may be open or closed as in
the

the opinion of the Council, expressed by Resolution in writing, the public interest requires.

142. A majority of the whole number of members required by law to constitute the Council shall form a quorum. Quorum.

143. When a Council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. In Councils of five, three must concur.

144. Every Council may adjourn its meetings from time to time. Adjournments.

WHO TO PRESIDE IN COUNCIL.

145. The head of every Council shall preside at the meetings of Council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the Council. The Heads to preside in Council.

146. In case of the death or absence of the head of a Town Council, the Reeve, and in case of the absence or death of both of them, the Deputy Reeve; and in case of the death or absence of the head of a village or township Council, the Deputy Reeve shall preside at the meetings of Council, and may at any time summon a special meeting thereof; but if there be more than one Deputy Reeve, the Council shall determine which of them shall preside at their meeting; and in case of the death or removal of any member of a Municipal Corporation, an election shall take place as soon thereafter as possible, to fill such vacancy. When Reeve or Deputy Reeve to preside.

147. In the absence of the head of the Council, and in the case of a town, village or township, in the absence also of the Reeve, if there be one, and also of the Deputy Reeve or Deputy Reeves if there be one or more, by leave of the Council, or from illness, the Council may, from among the members thereof eligible to be elected head, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the Council. Absence of Head provided for.

148. If the person who ought to preside at any meeting does not attend within a reasonable time after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. Casual absence provided for.

149. The head of the Council, or the presiding officer or Chairman of any meeting of any Council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Head to vote. Presumptur pro negante, in case of ties.

RESIGNATION

RESIGNATION OF HEADS OF COUNCIL.

Resignation of
Heads provided
for.

Vacancies how
filled.

150. The Warden of a County, or the Reeve or the Deputy Reeve of a Town, Village or Township may, at any time, resign his office, and in such case, or in the case of a vacancy in any such office by death or otherwise, the vacancy shall be filled in manner provided by the one hundred and twenty-fifth section of this Act.

OF COUNCILLORS.

Any member
may resign.

151. Any Mayor or other member of a Council may, with the consent of the majority of the members thereof, to be entered on the minutes of the Council, resign his seat in the council, and the vacancy shall be supplied as in the case of a natural death.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

The Clerk, and
his duties.

152. Every Council shall appoint a Clerk; and the Clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council; and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all By-laws, and of all minutes of the proceedings of the Council, all which he shall so keep in his office, or in the place appointed by By-law of the Council.

Minutes, &c.,
to be open to
inspection.

Copies to be
furnished and
charges there-
for, &c.

153. Any person may inspect any of the particulars aforesaid at all seasonable times; and the Clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the Council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time, to any elector of the Municipality, or to any other person interested in any By-law, Order or Resolution, or to his Attorney, a copy of such By-law, Order or Resolution, certified under his hand and under the Corporate Seal.

Clerk to trans-
mit a yearly
return of rate-
payers to the
Receiver Gen-
eral.

154. The Clerk of every City, Town, Incorporated Village and Township, shall, on or before the first day of December in each year, transmit to the Receiver General a true Return of the number of resident rate-payers appearing on the Revised Assessment-Roll of his Municipality for the year, and shall accompany such return with an affidavit made before a Justice of the Peace verifying the same, in the following form :

"I, A. B., Clerk of the Municipality of the City, (Town, Township or Village, *as the case may be*), make oath and say, that the above or the within written, or the annexed return, contains a true statement of the number of resident rate-payers appearing on the Assessment-Roll of the said City, (Town, Township or Village,) for the year one thousand eight hundred and

Oath of verification.

(Signed) A. B.

"Sworn before me, &c."

155. And in case of default in any year so to transmit, the Clerk shall be liable to a penalty of twenty dollars, to be paid to the Receiver General for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing By-laws under this Act.

Penalty for default.

156. The Clerk of every Township, Village and Town shall, in each year, within one week after the first day of January, make a return to the Clerk of the County in which the Municipality is situate, of the following particulars respecting his Municipality for the year then last past, namely :

To make a yearly return to the County Clerk.

- Heads of columns in Assessment-Rolls, to be varied according to the form of the Assessment-Rolls required by law.
1. Number of persons assessed.
 2. Number of acres assessed.
 3. Total of rentals of real property.
 4. Total of yearly value other than rentals of real property.
 5. Total actual value of real property.
 6. Total of taxable incomes.
 7. Total value of personal property.
 8. Total yearly value of personal property.
 9. Total amount of assessed value of real and personal property.
 10. Total amount of taxes imposed by By-laws of the Municipality.
 11. Total amount of taxes imposed by By-laws of the County Council.
 12. Total amount of taxes imposed by By-laws of any Provisional County Council.
 13. Total amount of Lunatic Asylum or other Provincial tax.
 14. Total amount of all taxes as aforesaid.
 15. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
 16. Total amount of income from licenses.
 17. Total amount of income from public works.
 18. Total amount of income from shares in incorporated Companies.
 19. Total amount of income from all other sources.
 20. Total amount of income from all sources.
 21. Total expenditure on account of roads and bridges.

What such Return shall shew.

22. Total expenditure on account of other public works and property.
23. Total expenditure on account of stock held in any incorporated Company.
24. Total expenditure on account of schools and education, exclusive of School Trustees' rates.
25. Total expenditure on account of the support of the poor or charitable purposes.
26. Total expenditure on account of Debentures and interest thereon.
27. Total gross expenditure on account of Administration of Justice in all its branches.
28. Amount received from Government on account of Administration of Justice.
29. Total net expenditure on account of administration of Justice.
30. Total expenditure on account of salaries, and the expenses of Municipal Government.
31. Total expenditure on all other accounts.
32. Total expenditure of all kinds.
33. Total amount of liabilities secured by Debentures.
34. Total amount of liabilities unsecured.
35. Total liabilities of all kinds.
36. Total value of real property belonging to Municipality.
37. Total number of sheep worried by dogs, and the amount paid therefor by the Municipality.
38. Total value of stock in incorporated Companies owned by Municipality.
39. Total amount of debts due to Municipality.
40. Total amount of arrears of taxes.
41. Balance in hands of Treasurer.
42. All other property owned by Municipality.
43. Total assets.

County Clerk
to make a
return to the
Provincial
Secretary.

157. The Clerk of every County shall, before the first day of February, in each year, prepare and transmit to the Provincial Secretary a Statement of the aforesaid particulars respecting all the Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole County, and shall also make at the same time a Return of the same particulars respecting his County, as a separate Municipality.

And also Clerks
of Cities.

158. The Clerk of every City shall, before the first day of February in each year, make a return to the Provincial Secretary of the same particulars respecting his City.

Moneys to be
retained if
returns not
made.

159. The Treasurer of the County shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Clerk of the County that the Clerk of such Municipality has not made the Return hereinbefore required; and
the

the Receiver-General shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the Returns hereinbefore required; and any person so required to make any Return by a particular day who fails so to do, shall be liable to a penalty of not more than twenty dollars, to be paid to the Receiver-General for the use of the Province, to be recovered as last aforesaid.

160. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before both Houses of the Legislature a copy of all Returns hereinbefore required to be made.

Provincial Secretary to lay the returns before Parliament.

CHAMBERLAIN AND TREASURER.

161. Every City Council shall appoint a Chamberlain, and every other Council shall appoint a Treasurer; and every Chamberlain and Treasurer, before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; provided that it shall be the duty of every Municipal Council in each and every year to enquire into the validity of the security given by such Chamberlain or Treasurer and report thereon.

Chamberlain or Treasurer to be appointed.

To give security.

Proviso.

162. Every Treasurer and Chamberlain respectively shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner as the Laws of the Province and the lawful By-laws or resolutions of the Council direct; but no member of the Corporation shall receive any money from such Treasurer for any work performed or to be performed; and such Chamberlain or Treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any By-law or resolution passed by the Municipal Council of the Municipality of which he is the Chamberlain or Treasurer.

To receive and take care of and disburse moneys, &c.

His liability limited.

163. The Treasurer or Chamberlain of every Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality, transmit to the Board of Audit, on or before the Fifteenth day of January in every year, a Return, certified on the oath of the Treasurer or Chamberlain before some Justice of the Peace, containing the amount of taxable property in the Municipality according to the then last Assessment-Roll or Rolls,—a true Account of all the Debts and Liabilities of the Municipality for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of the Municipality, as the Governor in Council may from time to time require, under a penalty,

To make a return yearly to the Provincial Board of Audit.

How attested and what it must shew.

Penalty for default.

Half yearly statement for the Council.

Proviso.

penalty, in case of neglect or refusal to transmit the Return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, according to the thirty-first section of the Consolidated Statutes of Canada, chaptered sixteen, *An Act respecting the collection and management of the Revenue, the auditing of public accounts, and the liability of public Accountants*; and it shall also be the duty of such Chamberlain or Treasurer to prepare and submit to the Municipal Council half yearly, a correct statement of the moneys at the credit of the Municipality whose officer he is; provided that in case of dismissal from office or absconding, it shall be lawful for the successor to such Chamberlain or Treasurer to draw any moneys belonging to such Municipality.

ASSESSORS AND COLLECTORS OF CITIES, TOWNSHIPS, TOWNS, AND INCORPORATED VILLAGES.

Assessors and Collectors, appointments and qualification of.

164. The Council of every City, Town, Township, and Incorporated Village, shall, as soon as may be convenient after the annual election, appoint as many Assessors and Collectors for the Municipality as the Assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the Council shall not appoint as assessor or collector a member of the Council, or a person who has not the same property qualification as that required for a Councillor or Alderman of the Municipality; the same person may, in a city, town or township, be appointed Assessor or Collector for more than one ward, or electoral division.

Assessors to designate freeholders and house-holders in their assessment-rolls.

165. The Assessors shall state in their assessment rolls whether the persons named therein are freeholders or house-holders, or both, and shall, in separate columns for this purpose, use the initial letters F and H to signify the same respectively.

Householder defined.

166. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act.

Collector of Provisional Council.

167. The Collectors of the several townships in a junior county of a union of Counties shall *ex-officio* be Collectors in such townships for the Provisional Council, and the Collectors shall pay over to the Provisional Treasurer the money they collect under any By-law of the Provisional Council.

Moneys how to be disposed of.

168. The money so collected shall be deemed the money of the union, so far as necessary to make the Collectors and their sureties responsible to the union therefor; and in case the Corporation of the union receives the same, such Corporation shall immediately pay the amount to the Provincial Treasurer, retaining the expenses of collection

AUDITORS.

169. Every Council shall, at the first meeting thereof, in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the head of the Council nominates; but no one who, at such time, or during the preceding year is or was a member, or is or was Clerk or Treasurer of the Council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor.

Auditors.

Disqualification
for office of.

170. The Auditor shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment.

Duties of.

171. The Auditors shall prepare an abstract of the receipts, expenditures and liabilities of the Corporation, and also a detailed statement of the said particulars in such form as the Council directs and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the Clerk of the Council within one month after their appointment, and thereafter any inhabitant or rate payer of the municipality may inspect one of such duplicate reports, at all seasonable hours, and may by himself or his agent, at his own expense, take a copy thereof or extracts therefrom.

To prepare
abstract and
detailed state-
ment of re-
ceipts and ex-
penditures, &c.

172. The Council shall, upon the report of the auditors, finally audit and allow the accounts of the Treasurer or Chamberlain and Collectors and all accounts chargeable against the Corporation; and in case of charges not regulated by law, the Council shall allow what is reasonable.

The Council to
audit finally,
&c.

173. The Clerk shall publish the Auditors' abstract and Report (if any) and shall also publish the detailed statement in such form as the Council directs.

Clerk to pub-
lish abstracts
and statements.

174. Every County Council shall have the regulation and auditing of all moneys to be paid out of funds in the hands of the County Treasurer.

Audit of mo-
neys paid by
Treasurer.

175. The Council of every County may appoint two or more Valuers within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the County Council, but such valuers shall not exceed the powers possessed by Assessors under this Act, and the valuation so made, may be made the basis of equalization by the County Council for a period not exceeding five years.

County Coun-
cil may appoint
valuers, their
duties, &c.

SALARIES AND CONTINUANCE IN OFFICE.

Salaries of officers.

176. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the Council shall settle the same, and the Council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by By-law of the Council.

Of Chamberlain or Treasurer.

177. The Chamberlain or Treasurer may be paid a salary or percentage ; and all officers appointed by a Council shall hold office until removed by the Council, and shall in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the By-laws of the Council having jurisdiction over such officers.

OFFICIAL DECLARATIONS.

Declaration of Qualification.

178. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following :

Form of.

" I, A. B., do solemnly declare, that I am a natural born (or "naturalized) subject of Her Majesty ; that I am truly and bond "fide seized or possessed to my own use and benefit, of such "an estate, (*specifying the nature of such estate, and if land, designating the same by its local description, rents or otherwise,*) "as doth qualify me to act, in the office of (*naming the office*) "for (*naming the place for which such person has been elected or appointed*) according to the true intent and meaning of the "Municipal Laws of Upper Canada."

Declaration of office.

179. Every Returning Officer and Returning Officer's Clerk, every township, village and town councillor, every city Alderman, every Justice of the Peace for a town, and every clerk, assessor, collector, constable and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

Form of Declaration of office.

" I, A. B., do solemnly promise and declare, that I will truly, "faithfully and impartially, to the best of my knowledge and "ability, execute the office of (*inserting the name of the office*) to "which I have been elected (or appointed) in this township (*or as the case may be*) and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution "of the said office, and that I have not by myself or partner, "either directly or indirectly, any interest in any contract with "or on behalf of the said corporation."

180. The solemn declaration to be made by every Mayor and Alderman, and by every Township, Village and Town Councillor, shall also state that he has not by himself or his partner an interest in any contract with or on behalf of the corporation.

Denial of disqualifying interest, who to take.

181. The solemn declaration to be made by every Auditor shall be as follows :

Auditor's declaration.

" I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of _____, do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability ; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (*except that of Auditor, if re-appointed*) with, by or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any contract or employment (*except that of Auditor, if re-appointed*) for the present year."

Form of.

182. The head and other members of the Council and the subordinate officers of every Municipality, shall make the declaration of office and qualification before some Court, Judge, Recorder, Police Magistrate or other Justice of the Peace having jurisdiction in the municipality for which such head members or officers have been elected or appointed, or before the Clerk of the Municipality.

Heads and other members of the Council before whom to declare.

183. The Court, Judge or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed.

Certificate of declaration.

184. The head of any Council, any Alderman, Reeve or Deputy Reeve, any Justice of the Peace and the Clerk of a Municipality, may, within the Municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration.

Head of Council and Reeves may administer oaths, &c..

185. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk of the Municipality to the affairs of which it relates, on pain of being deemed guilty of a misdemeanor.

Oath or declaration to be subscribed and kept.

186. Every qualified person duly elected or appointed to be a Mayor, Alderman, Reeve, or Deputy Reeve, Councillor, Police Trustee, Assessor or Collector of or in any Municipality, who refuses such office, or does not make the declarations of office

Penalty for refusing to accept office or take the oath &c.

Now enforced.

office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who, upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more Justices of the Peace under and subject to the Consolidated Act of Canada respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, forfeit not more than eighty dollars nor less than eight dollars, at the discretion of such Justices, to the use of the Municipality, together with the cost of prosecution.

OFFENCES.

EMBEZZLEMENT OF BOOKS, MONEYS, &c.

Embezzlements by Municipal Officers.

187. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the Corporation; and in case any such person or officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master; but nothing herein shall affect any remedy of the Corporation or of any other person against the offender or his sureties, or any other party; nor shall the conviction of such offender be receivable in evidence in any suit, at law or in equity, against him.

STEALING WRITS OF ELECTIONS, POLL-BOOKS, &c.

Stealing or destroying, &c., certain documents, relating to Municipal Elections to be felony.

188. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any Writ of Election or any Return to a Writ of Election, or any Indenture, Poll Book, Certificate or Affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to Municipal Elections—every such offender shall be guilty of felony, and shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven nor less than two years

Punishment.

years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment, or both, as the court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence has been committed, was or is the property of any person, or that the same was or is of any value.

Value of document need not be stated.

PROVISIONS APPLICABLE TO ALL COUNCILS.

189. The following sections numbered from one hundred and ninety to two hundred and forty-four, both inclusive, relate to all Municipalities, namely:

Certain sections to apply to all Municipalities.

- | | |
|------------------------------|---------------------------|
| 1. Townships, | 4. Cities, |
| 2. Counties, | 5. Towns, and |
| 3. Provisional Corporations, | 6. Incorporated Villages. |

JURISDICTION OF COUNCILS.

190. The Jurisdiction of every Council shall be confined to the Municipality the Council represents, except where authority beyond the same is expressly given, and the powers of the Council shall be exercised by By-law when not otherwise authorized or provided for.

Local jurisdiction of Councils.

191. Every Council may make Regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the Council,—the conduct of its members,—and the appointing or calling of special meetings of the Council; and generally, such other regulations as the good of the inhabitants of the Municipality requires, and may repeal, alter and amend its By-laws, save as by this Act restricted.

General power to make local regulations—

To regulate meetings and proceedings;

To repeal or alter By-laws.

BY-LAWS OF COUNCILS.

HOW AUTHENTICATED.

192. Every By-law shall be under the Seal of Corporation, and shall be signed by the Head of the Corporation, or by the person presiding at the meeting at which the By-law has been passed, and by the Clerk of the Corporation.

How By-laws to be authenticated.

193. A copy of any By-law written or printed without erasure or interlineation, and under the Seal of the Corporation, and certified to be a true copy by the Clerk and by any member of the Council, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of the Seal or Signatures, unless it is specially pleaded or alleged that the Seal, or one or both of the signatures, have been forged.

Certified copies to be evidence.

OPPOSITION TO BY RATE-PAYERS.

Opposition to
By-laws ap-
plied for by
rate-payers :
Provision for.

194. In case any person rated on the Assessment-Roll of any Municipality, or of any locality therein, objects to the passing of a By-law, the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such Municipality or place, he shall, on petitioning the Council, be at liberty to attend, in person or by counsel or attorney, before the Council at the time at which the By-law is intended to be considered, or before a Committee of the Council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the By-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed By-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the By-law.

When By-laws
shall not pass.

195. If the council is satisfied upon the evidence that the application for the By-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the By-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the By-law.

PROCEEDINGS WHEN THE ASSENT OF ELECTORS IS REQUIRED.

If a By-law
requires the
assent of the
electors.

196. In case a By-law requires the assent of the Electors of a Municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for :

Time and
place of voting
shall be fixed
by By-law.

1. The council shall by the By-law fix the day, hour and place, for taking the votes of the Electors thereon at every place in the Municipality at which the elections of the Members of the council or councils therein are held, and shall also name a Returning Officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed By-law as herein provided for ;

Proposed By-
law to be pub-
lished.

2. The council shall, for at least one month before the final passing of the proposed By-law, publish a copy thereof in some newspaper published weekly or oftener in the Municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the By-law at four or more of the most public places in the Municipality ;

3. Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed By-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the Electors ;

Notice to be given.

4. At such day and hour a poll shall be taken and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a Municipal Election ;

Poll.

5. Every Returning Officer shall, on the day after the closing of the poll, return his poll-book verified to the clerk of the Local Municipality in which the poll was taken, and in case of a By-law of a County council, the clerk of the Local Municipality shall forthwith return to the clerk of the County council, every poll-book so delivered to him ;

Verified Poll Book to be returned.

6. The Clerk of the council which proposed the By-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the By-law, and shall keep the same with the poll-book among the records of his office ;

Clerk to sum up and declare result.

7. The rate-payers entitled to vote on any By-law for incurring a debt or raising money, which shall not be payable within the then current year, shall be such rate-payers only as are rated on the assessment rolls for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold the duration of which shall not be less than the period of time in which the debt to be contracted or the money raised under such By-law, is made payable, and in the lease for which leasehold the lessee covenants to pay municipal taxes ; and the clerk shall furnish the Returning Officer with a verified list of those entitled to vote on such By-law ;

What ratepayers only shall vote on by-laws for incurring a debt not payable in the current year.

8. Any rate-payer offering to vote on any such By-law as in the next preceding subsection mentioned, may be required by the Returning Officer or any rate-payer entitled to vote on any such By-law, to make the following oath or affirmation before his vote is recorded :

Oath, &c., required of rate-payer offering to vote.

" I, A. B., do solemnly and sincerely make oath (or affirm as the case may be) that I am the person named or purporting to be named on the list of voters according to the terms mentioned in subsection number seven, of section one hundred and ninety-six of the Act (*citing the title of this Act*) to entitle me to vote on the By-law which is now submitted to the rate-payers."

Form.

WHEN REQUIRING THE ASSENT OF THE GOVERNOR IN COUNCIL.

When the assent of the Governor is required to By-laws.

197. The facts required by this Act to be recited in any By-law which requires the approval of the Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the Head of the Council, and by the Chamberlain or Treasurer and Clerk thereof, and by such other persons and on such other evidence as to the Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such Municipal Officer, upon the declaration of any other Member of the Council whose declaration the Governor in Council will accept.

WHEN AND HOW QUASHED.

By-laws, how to proceed in order to quash.

198. In case a resident of a Municipality, or any other person interested in a By-law, order or resolution of the Council thereof, applies to either of the Superior Courts of Common Law, and produces to the Court a copy of the By-law, Order or Resolution, certified under the hand of the Clerk and under the corporate seal, and shews, by affidavit, that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Court, after at least four days' service on the Corporation of a rule to shew cause in this behalf, may quash the By-law, Order or Resolution in whole or in part for illegality, and according to the result of the application, award costs for or against the Corporation; Provided always, that no application to quash any such By-law, Order or Resolution, in whole or in part, shall be entertained by any Court unless such application shall be made to such Court within one year from the passing of such By-law, except in the case of a By-law requiring the assent of electors or rate-payers, when such By-law has not been submitted to, or has not received the assent of such electors or rate-payers, and in such case an application to quash such By-law may be made at any time.

Proviso; time within which application must be made.

WHEN CONFIRMED BY PROMULGATION.

Time after which By-law cannot be quashed, if properly promulgated.

199. In case a By-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the By-law shall be entertained after six months have elapsed since the promulgation.

What shall be such promulgation.

200. Every special promulgation of a By-law within the meaning of this Act shall consist in the publication, through the Public Press, of a true copy of the By-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by Law for applications to the Courts to quash the same or any part thereof.

And if the By-laws impose any rate.

201. In the case of a By-law by which a rate is imposed, the promulgation shall be either by such publication of a copy of

of the By-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate and giving the substance only of the other parts of the By-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the Municipality; or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest the Municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper.

202. The notice to be appended to every copy of a By-law for the purpose aforesaid, shall be to the effect following : Notice to be given.

"NOTICE.—The above is a true copy of a By-law passed by the Municipal Council of the Township of A, in the County of B, one of the United Counties of B, C and D (or as the case may be) on the day of , 18 , and (where the approval of the Governor in Council is by law required to give effect to such By-law) approved by His Excellency the Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six Calendar months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf. Form of such notice.

G. H.
Township Clerk."

203. The notice setting forth the amount of the rate and giving the substance only of the other parts of the By-law, for the purpose aforesaid, shall be to the effect following : Notice setting forth the rate; and substance of by-law.

"Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, to wit : Form of such notice.

Notice is hereby given, that a By-law, intituled, (*set out the title*) and numbered (*give the number by which the By-law is designated,*) was on the day of , 18 , passed by the Municipal Council of the Township of A, in the County B, one of the United Counties of B, C and D, in Upper Canada, for the purpose of (*here set out in substance the object of the By-law*) as "raising the necessary funds to meet the general public expenses of the Township of for the year 18 ," or "for the purpose of raising and contracting for a loan of dollars, for making and macadamizing a Road from to " (*or otherwise, as the case may be*) and, (*where the approval*

approval of the Governor in Council is by law required to give effect to such By-law), approved by His Excellency the Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six calendar months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf.

G. H.,
Township Clerk,"

If not moved
against, within
the time limit-
ed, to be valid.

204. In case no application to quash any By-law, be made within the time limited for that purpose, the By-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the By-law itself, or in the time or manner of passing the same, be a valid By-law.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

Liability of
Municipality
for acts done
under a By-
law afterwards
quashed.

205. In case a By-law, Order or Resolution be illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the By-law, Order or Resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the Corporation, and every such action shall be brought against the Corporation alone, and not against any person acting under the By-law, Order or Resolution.

TENDER OF AMENDS BY.

Tender of
amends.

206. In case the Corporation tenders amends to the Plaintiff or his Attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the Plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.

OFFENCES AGAINST BY-LAWS.

Certain offen-
ces respecting

207. In case any Officer of a Municipal Corporation neglects or refuses to carry into effect a By-law for paying a debt, and

so neglects or refuses under colour of a By-law illegally attempting to repeal such first mentioned By-law, or to alter the same so as to diminish the amount to be levied under it, such officer shall be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it may be to pass sentence upon him.

by-laws, to be
misdemeanor.

208. In case an offence is committed against a By-law of a Council, for the prosecution of which offence no other provision is made, any Justice of the Peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the Council or not, may try and determine any prosecution for the offence.

Jurisdiction to
try offences
against.

Summary pro-
ceedings.

209. The Justice or other authority before whom a prosecution is had for an offence against a Municipal By-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the By-law, as he shall think fit with the costs of prosecution, and may, by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

Evidence.

Penalty and
costs;

How levied.

210. In case of there being no distress found, out of which the penalty can be levied, the Justice may commit the offender to the Common Gaol, house of correction, or nearest lock-up-house, for the term or some part thereof, specified in the By-law.

Commitment
in default of
distress.

211. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Corporation, unless the prosecution is brought in the name of the Corporation, and in that case the whole of the pecuniary penalty shall be paid to the Corporation.

Fines how ap-
plied.

212. The Police Magistrate, or when there is no Police Magistrate, the Mayor of a Town or City, shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the By-laws of the Town or City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office.

Jurisdiction of
Mayors and
Police Magis-
trates over pe-
nal offences.

DEBENTURES, &c.,

HOW TO BE MADE.

213. All Debentures and other specialties duly authorized to be executed on behalf of a Municipal Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation and be signed by the Head thereof,

Debentures,
bonds, &c.,
how to be exe-
cuted.

thereof, or by some other person authorized by By-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the Treasurer or Chamberlain of the Municipality to see that the money collected under such By-law, is properly applied to the payment of the interest and principal of such debentures.

TRANSFERABLE BY DELIVERY, &C.

Debentures transferable by delivery if payable to bearer.

214. Any Debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any Municipal or Provisional Municipal Corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder and enable him to maintain an action thereupon in his own name.

Or, if endorsed in blank, when payable to order.

215. Any Debenture issued as aforesaid and made payable to any person or order, shall, (after the endorsement thereof in blank, by such person,) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name.

In pleading sufficient to describe plaintiff as the holder.

216. In a suit or action upon any such Debenture, it shall not be necessary for the Plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the Debenture, or to set forth or to prove the notices, by-laws or other proceedings under and by virtue of which the Debenture was issued, but it shall be sufficient in such pleading to describe the Plaintiff as the holder of the Debenture, (alleging the endorsement in blank, if any) and shortly to state its legal effect and purport, and to make proof accordingly.

Full amount recoverable though negotiated at interest exceeding 6 per cent. or below par.

217. Any such Debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon.

RESTRICTIONS UPON COUNCILS.

Restrictions upon Councils as to Banking, issuing bills, bonds, &c.

218. No Council shall act as bankers, or issue any Bond, Bill, Note, Debenture or other undertaking, of any kind or in any form, in the nature of a Bank Bill or Note, or intended to form a circulating medium, or to supply the place of specie, or to pass as money; nor unless specially authorized so to do, shall any Council make or give any Bond, Bill, Note, Debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any Bond, Bill, Note, Debenture or other undertaking issued in contravention of this section, shall be void.

219. In case any person issues or makes, or assists in issuing or making, or knowingly utters or tenders in payment or exchange, any Bond, Bill, Note, Debenture or undertaking, of any kind or in any form, in the nature of a Bank Bill or Note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor.

To issue Bank notes, &c., contrary to this Act, declared a misdemeanor.

220. No Council shall have power to give any person an exclusive right of exercising within the Municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by Statute so to do; but the Council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling.

Granting Monopolies prohibited.

221. But nothing in this Act contained shall prevent a Council from granting exclusive privileges in any ferry which may be vested in the Corporation represented by such Council.

Except as to any ferry.

222. In case a member of the Council of any Municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the Corporation is a party interested, and which is on that account void in equity, the same contract, purchase or sale, shall also be held void in any action at law thereon against the Corporation.

Contracts by Members with the Corporation void in law if void in Equity.

COSTS OF MANDAMUS.

223. Upon any application for a Writ of Mandamus for or against a Municipal Corporation, the Courts may, in their discretion, grant or refuse costs.

Costs of Mandamus.

EXECUTIONS AGAINST CORPORATIONS.

224. Any Writ of Execution against a Municipal Corporation, may be endorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following :

Proceedings on Writs of execution against Municipalities.

1. The Sheriff shall deliver a copy of the Writ and endorsement to the Chamberlain or Treasurer, or leave such copy at the office or dwelling house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service ;

Sheriff to deliver statement to Treasurer.

2. In case the amount with interest thereon from the day mentioned in the statement, be not paid to the Sheriff within one

If not paid, a rate to be struck.

one month after the service, the Sheriff shall examine the assessment rolls of the Corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees and the Collector's percentage, up to the time when such rate will probably be available;

Sheriff's precept to levy.

3. The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the Writ, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector or Collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates ;

Who to collect the rate.

4. In case at the time for levying the annual rates next after the receipt of such precept, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, " Execution rate in A. B., vs. The Township " (or as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their percentage ;

Surplus.

5. The Sheriff shall, after satisfying the Execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Chamberlain or Treasurer, for the general purposes of the Corporation ;

Clerk, Assessors and Collectors to be Officers of the Court from which Writ issues.

6. The Clerk, Assessors and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be Officers of the Court out of which the Writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

225. The Council of every township and the Council of every county and of every provisional Corporation, and of every city and of every town, and of every incorporated village, respectively,

respectively, shall assess and levy on the whole rateable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year, but no such Council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; and if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and principle of the debts contracted by such municipality at the time of the passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such rateable property, the council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but shall contract no further debts until the annual rates required to be levied within such municipality are reduced within the aggregate rate aforesaid.

Aggregate rate limited.

If such aggregate be not sufficient to pay debts payable within the year.

BY-LAWS TO CREATE DEBTS, &c.

226. Every such Council may, under the formalities required by law, pass By-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the municipality, for any purpose within the jurisdiction of the Council, but no such By-law shall be valid which is not in accordance with the following restrictions and provisions :

By-laws for creating debt.

1. The By-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the By-law shall take effect ;

Terms of. When to take effect.

2. If not contracted for gas or water works, or for the purchase of public works, according to the Statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such By-law takes effect ; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the By-law takes effect ;

When debt to be redeemed.

If for Gas works, &c.

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest ;

To provide a yearly rate.

4. Such special rate shall be sufficient, according to the amount of rateable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable ;

To be sufficient in amount.

5. The amount of rateable property shall be ascertained irrespective of any future increase of the rateable property of the

Irrespective of future increase

of rateable property.

the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof ;

Recitals in :—
amount and
object of debt ;

The yearly rate
for the debt.

The value of
the rateable
property.

The yearly rate
for Sinking
Fund and inter-
est.

6. The By-law shall recite : (1.) The amount of the debt which such new By-law is intended to create, and, in some brief and general terms, the object for which it is to be created ; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest ; (3.) The amount of the whole rateable property of the municipality according to the last revised, or revised and equalized assessment rolls ; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately and how much (if any) interest is in arrears ; and, (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act.

To be assented
to by the rate-
payers.

Exception for
drainage.

Exception as to
Counties other
than Cities.

227. Every By-law (except for drainage as provided for under the two hundred and eighty-second section of this Act) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the one hundred and ninety-sixth section of this Act ; except that in counties (other than cities) the Council of such county or counties may raise by By-law or By-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums, over and above the sums required for its ordinary expenditure not exceeding in any one year twenty thousand dollars.

Course of pro-
ceeding by
County Coun-
cils.

228. Provided that no such By-law of a County Council for contracting any such debt or loan for an amount, over and above the sums required for its ordinary expenditure, not exceeding in any one year twenty thousand dollars, shall be valid, unless the same is passed at a meeting of the council especially called for the purpose of considering the same, and held not less than three months after a copy of such By-law at length as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county ; which said notice may be to the effect following :

FORM OF NOTICE.

"The above is a true copy of a proposed By-law to be taken into consideration by the municipality of the county (or united counties) of _____ at _____ in the said county, or united counties) on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

Form of notice.

G. H.
Clerk."

PURCHASE OF PUBLIC WORKS.

229. 1. Any Council may contract a debt to Her Majesty, in the purchase of any of the Public Roads, Harbours, Bridges, Buildings or other Public works in Upper Canada ; and may execute such Bonds, Deeds, Covenants, and other Securities to Her Majesty, as the Council may deem fit, for the payment of the price of any such Public Work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such Municipal Corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer ; and may also pass all necessary By-laws for any of the purposes aforesaid ; and all such By-laws, Debts, Bonds, Deeds, Covenants and other Securities shall be valid although no special or other Rate per annum has been settled or imposed to be levied in each year, as provided by the three last preceding sections of this Act ;

Municipal Councils may purchase Public Works, and contract debts without imposing a yearly rate as provided in the three last sections.

2. But any Council may in any By-law to be passed for the creation of any such Debt, or for the executing any such Bonds, Deeds, Covenants or other Securities as aforesaid, to Her Majesty, or in any other By-law to be passed by the Council, settle and impose a Special Rate per annum, of such amount as the Council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the Municipality, for the payment and discharge of such Debts, Bonds, Deeds, Covenants or other Securities, or some part thereof, and the By-law shall be valid, although the Rate settled or imposed thereby be less than is required by the said sections last mentioned ; and the said sections shall, so far as applicable, apply and extend to every such By-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any By-law enacted by any Council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby ;

Rates may be imposed for the payment of debts contracted with the Crown for such Works.

3. The Council of any Municipal Corporation purchasing any claim under the Act respecting the sale and purchase of claims due to Government for moneys advanced to Public Works,

Purchase of claims due to Government.

Works, may raise by Assessment, the sum necessary to pay the consideration agreed upon.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

Two special accounts to be kept ; 1, of the special rates ; 2, of the Sinking Fund.

230. The Council of every County, Provisional Corporation, Township, City, Town and incorporated Village, shall keep in its books two separate Accounts, one for the Special Rate, and one for the Sinking Fund, of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof.

When surplus to be carried to the Sinking Fund Account.

231. If, after paying the interest of a debt and appropriating the necessary sum to the Sinking Fund of such debt for any financial year, there is a surplus at the credit of the Special Rate Account of such debt, such surplus shall so remain, and may be applied, if necessary towards the next year's interest ; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the Sinking Fund Account of such debt.

HOW SURPLUS TO BE INVESTED.

How surplus to be disposed of.

232. Every such council shall, from time to time, invest in Government securities, or otherwise, as the Governor in council may direct, such part of the produce of the special rate levied in respect of any debt and at the credit of the Sinking Fund Account, or of the Special Rate Account thereof as cannot be immediately applied towards paying the debt by the reason of no part thereof being yet payable ; and the Council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the Special Rate to be applied, but the Governor in Council may, by order, direct, that such part of the produce of the Special Rate levied, and at the credit of the Sinking Fund Account or of the Special Rate Account as aforesaid, instead of being so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said Council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the Municipal Council shall thereupon apply and continue to apply such part of the produce of the Special Rate at the credit of the Sinking Fund or Special Rate Accounts, as directed by such order.

Investment how to be made.

Application of moneys with consent of Governor in Council.

APPROPRIATION OF SURPLUS.

233. Every such Council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the Treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the Sinking Fund of the debt.

Council may apply other funds towards such debts.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

234. When part only of a sum of money provided for by a By-law has been raised, the Council may repeal the By-law as to any part of the residue and as to a proportionate part of the Special Rate imposed therefor, provided the repealing By-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the By-law is first approved by the Governor in Council.

When part only of a debt has been incurred, the By-law may be repealed *pro tanto*.

235. After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the By-law under which the debt was contracted, or any By-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the Council shall not alter a By-law providing any such rate so as to diminish the amount to be levied under the By-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the corporation treasury which, not having been previously otherwise appropriated by any By-law or Resolution, has been directed to be applied to such payment.

By-laws not repealable and appropriations not recoverable till debt paid.

WHEN SPECIAL RATE MAY BE REDUCED.

236. In case in any particular year, one or more of the following sources of revenue, namely: 1. The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and 2. The sum on hand from previous years; and 3. Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the Sinking Fund of the debt; and 4. Any sum derived from the temporary investment of the Sinking Fund of the debt, or of any part of it, and carried to the credit of the Special Rate and Sinking Fund Accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the Council may

When the rate imposed by By-law may be reduced by By-law.

may pass a By-law reducing the total amount to be levied under the original By-law for the following year to a sum not less than the difference between such last-mentioned surplus and the annual sum which the original By-law named and required to be raised as a special rate.

Recitals required in such By-law.

237. But the By-law shall not be valid unless it recites:

1. The amount of the special rate imposed by the original By-law ;
2. The balance of such rate for the particular year or on hand from former years ;
3. The surplus income of the work, share or interest therein received for such year ; and
4. The amount derived for such year from any temporary investment of the Sinking Fund—

Reduced rate to be named.

Nor unless the By-law names the reduced amount in the dollar to be levied under the original By-law—

To be approved of by the Governor.

Nor unless the By-law be afterwards approved by the Governor in Council.

ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations may be made.

238. In case any Council desires to make an Anticipatory Appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so, by By-law, in the manner and subject to the provisions and restrictions following :

What Funds may be so appropriated.

1. The Council may carry to the credit of the Sinking Fund Account of the debt, as much as may be necessary for the purpose aforesaid ;

(a.) Of any money at the credit of the Special Rate Account of the debt beyond the interest on such debt for the year following that in which the Anticipatory Appropriation is made ;

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise ;

(c.) And of any money derived from any temporary investment of the Sinking Fund ;

(d.) And of any surplus money derived from any corporation work or any share or interest therein ;

(e.) And of any unappropriated money in the Treasury ;
Such

Such moneys respectively not having been otherwise appropriated ;

2. The By-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and for the Sinking Fund Appropriation of the debt for such next ensuing year ;

The sources to be distinguished.

3. In case the moneys so retained at the credit of the Special Rate Account and so appropriated to the Sinking Fund Account, from all or any of the sources above mentioned, are sufficient to meet the Sinking Fund Appropriation and interest for the next ensuing year, the Council may then pass a By-law directing that the original rate for such next ensuing year be not levied.

When sufficient, the yearly rate may be suspended for the future year.

239. The By-law shall not be valid unless it recites :

By-law must recite.

1. The original amount of the debt, and in brief and general terms, the object for which the debt was created ;

The original debt.

2. The amount, if any, already paid of the debt ;

The amount paid.

3. The annual amount of the Sinking Fund Appropriation required in respect of such debt ;

The amount of Sinking Fund yearly.

4. The total amount, then on hand, of the Sinking Fund Appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;

The amount in hand.

5. The amount required to meet the interest of the debt, for the year next after the making of such Anticipatory Appropriation ; and

The amount required for next year's interest.

6. That the Council has retained at the credit of the Special Rate Account of the debt, a sum sufficient to meet the next years' interest (naming the amount of it), and that the Council has carried to the credit of the Sinking Fund Account a sum sufficient to meet the Sinking Fund Appropriation (naming the amount of it) for such year ; and

And that it is reserved.

7. No such By-law shall be valid unless approved by the Governor in Council.

By-law to be approved by Governor.

240. After the dissolution of any Municipal Union, the Senior Municipality may make an Anticipatory Appropriation for the relief of the Junior Municipality, in respect of any debt secured by By-law, in the same manner as the Senior Municipality might do on its own behalf.

After the dissolution of a Union, the Senior Municipality may relieve the Junior by an anticipatory appropriation.

REPORT OF DEBTS TO BE MADE YEARLY.

Every Council to make a yearly report of the state of the debts to the Governor, &c.

241. Every Council shall, on or before the thirty-first day of January in each year, transmit to the Governor General, through the Provincial Secretary, an account of the several debts of the Corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day :

What such report must shew.

1. The original amount of the debt ;
2. The date when it was contracted ;
3. The days fixed for its payment ;
4. The interest to be paid therefor ;
5. The rate provided for the redemption of the debt and interest ;
6. The proceeds of such rate for the year ending on such thirty-first day of December ;
7. The portion (if any) redeemed of the debt during such year ;
8. The amount of interest (if any) unpaid on such last mentioned day ; and
9. The balance still due of the principal of the debt.

The Governor may prescribe a form of account.

242. The form of the account may from time to time be prescribed by the Governor in Council.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

When a commission of inquiry may issue.

243. In case one third of the members of any Council petition for a Commission to issue under the Great Seal, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a Commission accordingly, and the Commissioner or the Commissioners, or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases.

Expenses of such Commissions provided for.

244. The expense to be allowed for executing the Commission shall be determined and certified by the Minister of Finance or his Deputy, and shall become thenceforth a debt due to the Commissioner or Commissioners by the Corporation, and

and shall be payable within three months after demand thereof made by the Commissioner, or by any one of the Commissioners, at the office of the Treasurer of the Corporation.

PROVISIONS APPLICABLE TO ALL MUNICIPALITIES EXCEPT PROVISIONAL CORPORATIONS.

245. The following Section applies to all Municipalities, Provisional Corporations not included, namely :

Sections applicable to all, except Provisional Councils.

- | | |
|---------------|---------------------------|
| 1. Counties, | 4. Towns, and |
| 2. Townships, | 5. Incorporated Villages. |
| 3. Cities, | |

246. The Council of every County, Township, City, Town and Incorporated Village may respectively pass By-laws :

Councils may make By-laws;

OBTAINING PROPERTY.

1. For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a Hall and any other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required ;

For obtaining property, real and personal, &c.

APPOINTING CERTAIN OFFICERS.

2. For appointing such,—

- | | |
|------------------------------|---------------------------|
| (1.) Pound-keepers ; | (4.) Road Surveyors ; |
| (2.) Fence-Viewers ; | (5.) Road Commissioners ; |
| (3.) Overseers of Highways ; | (6.) Valuers ; |

(7.) And such other officers as are necessary in the affairs of the Corporation, or for carrying into effect the provisions of any Act of the Legislature or for the removal of such officers ; but no member of a corporation shall be eligible to act as Commissioner, Superintendent, or Overseer, over any work undertaken and carried on in part or in whole, at the expense of the Municipality, nor shall any member of a Corporation be a Valuator ;

To appoint Officers ;

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties ;

To fix fees and securities ;

AIDING AGRICULTURAL AND OTHER SOCIETIES.

4. For granting money or land in aid of the Agricultural Association of Upper Canada or of any duly organized Agricultural or Horticultural Society in Upper Canada, or of the Board of Arts and Manufactures for Upper Canada, or of any incorporated Mechanics' Institute within the Municipality ;

For aiding Agricultural Societies ;

CENSUS.

- Local census.** 5. For taking a Census of the inhabitants, or of the resident Male freeholders and householders in the Municipality ;

FINES AND PENALTIES.

- Fines and penalties for neglect of duty.** 6. For inflicting reasonable fines and penalties not exceeding Fifty Dollars exclusive of costs,—

(a.) Upon any person for the non-performance of his duties who has been elected or appointed to any Office in the Corporation, and who has accepted such Office and taken the oaths, and afterwards neglects the duties thereof ; and

(b.) For breach of any of the By-laws of the Corporation ; and

- Levying penalties by distress.** 7. For collecting such penalties by distress and sale of the goods and chattels of the offender ;

- Imprisonment when allowed, and time of.** 8. For inflicting reasonable punishment, by imprisonment with or without hard labour either in a Lock-up-house in some Town or Village in the Township, or in the County Gaol or House of Correction, for any period not exceeding Twenty-one days, for breach of any of the By-laws of the Council, in case of non-payment of the Fine inflicted for any such breach, and there being no distress found out of which such fine can be levied, except for breach of any By-law or By-laws in cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period, not exceeding six months, in case of the non-payment of the costs and fines inflicted and there being no sufficient distress as aforesaid.

PROVISIONS APPLICABLE TO TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

- What sections shall so apply.** 247. The following Sections numbered from two hundred and forty-eight to two hundred and seventy shall apply to the following Municipalities, namely :

- | | |
|---------------|--------------------------|
| 1. Townships, | 3. Towns, and |
| 2. Cities, | 4. Incorporated Villages |

And Sections two hundred and fifty-seven to two hundred and sixty, both included, apply to all such places as are therein referred to.

PUBLIC HEALTH.

- Members of Council to be Health Officers.** 248. The Members of every Township, City, Town and Incorporated Village Council shall be Health Officers within their respective Municipalities, under the Consolidated Statute for Upper Canada, respecting the Public Health, and under

under any Act passed after this Act takes effect for the like purpose ; but any such Council may by By-law delegate the powers of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the Council thinks best.

249. The Council of every Township, Town and Incorporated Village and the Commissioners of Police in Cities may respectively pass By-laws :

Council and Police commissioners may make By-laws:

SHOP AND TAVERN LICENSES.

1. For granting Tavern License Certificates (that is certificates to obtain licenses for the retail of spirituous, fermented or other manufactured liquors to be drunk in the Inn, Ale house, Beer-house or any other house, or place of public entertainment in which the same is sold), and for granting shop licenses, (that is licenses for the retail of such liquors in quantities not less than one quart, in Shops, Stores or places other than Inns, Ale-houses, Beer-houses or places of public entertainment,) but no license certificate shall be granted for the retail of such liquors in any tavern, inn, ale-house, beer-house or place of public entertainment, except upon petition praying for the same, and signed by at least thirty of the resident municipal electors of the municipality within which the same is to have effect, nor until the inspector of licenses reports that the applicant has all the accommodation required by law ; Provided that it shall not be lawful for the Council of any Municipal Corporation, or the Commissioners of Police of any city, to grant licenses or license certificates for the sale of spirituous or intoxicating drinks on the days of the exhibition of the Agricultural Association of Upper Canada, or of any county, electoral division or township Agricultural Society, either on the grounds of such society or within the distance of three hundred yards from such grounds ;

Touching the retailing of intoxicating liquors.

Conditions on which only Tavern licenses shall be granted.

Licenses not to extend to certain times and places.

2. For declaring the terms and conditions required to be complied with, by an applicant for a Tavern license, and the security to be given by him for observing the same ; but every Tavern shall contain, in addition to what may be needed for the use of the family of the Tavern-keeper, not less than four bed-rooms with a suitable complement of bedding and furniture and (except in Cities and Incorporated Towns) there shall also be attached to it proper stabling for at least six horses ;

Terms on which license may be granted.

3. For declaring the security to be given by any applicant for a Shop or Tavern License, for observing the By-laws of the Municipality ;

Security to be given.

4. For limiting the number of Tavern and Shop licenses respectively ; but in no Municipality shall Tavern License certificates

Number may be limited.

certificates be granted in a proportion greater than one for every two hundred and fifty souls resident therein, as shewn by the last census, or by a special enumeration taken by order of the Municipal Council concerned ;

Exempting a certain number from having certain accommodation.

5. For declaring that in Cities a number not exceeding ten persons, and in Towns a number not exceeding four persons, qualified to have a Tavern License, may be exempted from the necessity of having all the Tavern accommodation required by the preceding sub-sections ;

Regulation of public houses.

6. For regulating the houses or places licensed, the time the licenses are to be in force, not exceeding one year, dating from the first day of March in each year, and the sums to be paid therefor respectively ;

Penalty for granting certificate or license contrary to this Act.

7. Any member of a corporation, officer or person who issues a license certificate, or license contrary to the provisions of this Act, shall be deemed guilty of misdemeanor, and upon conviction thereof shall, for each offence, pay a fine of not less than forty dollars, nor more than one hundred dollars, one half of which shall be paid to the complainant and the other to the Municipality ; or the offender or offenders may be imprisoned for a period not exceeding thirty days, or in the discretion of the Court may be both fined and imprisoned ;

Certificate of number of licenses to be furnished to collector of Inland Revenue.

8. The Council of every Municipality, and the Police Commissioners in every City, shall on or before the fifteenth day of February in each year deliver to the Collector of Inland Revenue for the Revenue Division in which each Municipality is situate, a certificate signed by the Clerk and Mayor, or Reeve of the Municipality, shewing the number of licenses which may be issued in such municipality, under this Act ; and the Collector of Inland Revenue shall not issue a greater number of licenses for any municipality, than is named in such certificate ;

PROHIBITED SALE OF SPIRITUOUS LIQUORS.

Sale of liquors in shops or taverns may be prohibited.

9. For prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any Inn or other House of public entertainment ; and for prohibiting totally the sale thereof in Shops and places other than houses of public entertainment ; Provided the By-law, before the final passing thereof, has been duly approved by the Electors of the Municipality in the manner provided by this Act

The sums to be paid for licenses.

To include the imperial and

250. The sum to be paid for a Tavern license shall include as well the duty payable under the Imperial Statute passed in the fourteenth year of the Reign of King George the Third, intituled : *An Act to establish a fund towards defraying the charges of the administration of Justice and the support of the Civil*

Civil Government within the Province of Quebec, as the duty payable to the Province under any Act of the Parliament of this Province, and shall not be less than Twenty-five dollars, and every license so granted as aforesaid shall be held a license for the purpose of the said Imperial and Provincial Acts, and except the sum payable to the Province the sum paid for the license shall be applied to the use of the corporation; But no by-law by which a greater sum than one hundred dollars per annum is intended to be exacted for any Shop or Tavern license, or for leave to exercise any other calling, or to do any other thing for which a license may be required, shall have force or effect, unless the by-law before the final passing thereof has been duly approved by the electors of the municipality in the manner provided by this Act; and the By-law shall not be varied or repealed unless the by-law for that purpose has been duly approved in like manner by the electors of the Municipality.

Provincial duty.

Sum not to exceed \$ 100.

Unless approved by public vote, &c.

251. Every Tavern license shall be issued by the Collector of Inland Revenue for the Revenue Division in which the Hotel, Tavern, House, Vessel or place to which the License is to apply shall be situate, and on the production to such Collector of Inland Revenue: in cases of Towns, Townships and Incorporated Villages, of a certificate from the Mayor and Clerk, or Reeve and Clerk, as the case may be; and in cities, of a certificate from the Board of Police Commissioners, that such applicant has complied with the requirements of the Law and of the By-laws of the Municipality or regulations made in that behalf, and that the applicant is therefore entitled to such License for the time for which it is demanded of the Collector of Inland Revenue, and for the Hotel, Tavern, House, Vessel or place mentioned in such certificate, and the Provincial Duty payable on such License, shall be paid to such Collector of Inland Revenue before he shall deliver such License, and the words "Tavern License" shall mean and include any such License as aforesaid, and no other.

How Tavern licenses shall be issued.

In Cities.

Payment of Provincial duty.

252. No Tavern or Shop license shall be necessary for selling any liquors in the original packages in which the same have been received from the importer or manufacturer; provided such packages contain respectively not less than five gallons or one dozen bottles.

No license required to sell in the original packages.

253. Any person having a Tavern license may, without any additional license, sell liquors by retail to be consumed out of his house, in the same quantities as if to be consumed in the house.

Tavern keepers may sell to be consumed out of the house.

254. Every person who keeps a Tavern or other house or place of public entertainment, and has a Tavern license, shall exhibit over the door of such Tavern, House or place, in large letters, the words "licensed to sell Wine, Beer and other Spirituous

Tavern keepers to exhibit notice of being licensed.

No one to sell
&c., without
license.

Spirituous or Fermented Liquors," under a penalty in default of so doing of one dollar, recoverable with costs before any Justice of the Peace upon the oath of one credible witness, one half of which penalty shall go to the Informer and the other half to the Municipality; but no person shall sell or barter intoxicating liquor of any kind, without the license therefor by law required, under a penalty of not less than twenty dollars and costs, and not over fifty dollars and costs.

Shop licenses
not to authorize
sale of liquors
to be consumed
in the house.

255. No licensed Shop-keeper, or other person having a Shop-license shall allow any liquors sold by him and for the sale of which a license is required, to be consumed within his Shop, or within the building of which such Shop is a part, either by the purchaser thereof or by any other person not usually resident within such building under a penalty of ten dollars and costs.

Penalties re-
coverable be-
fore two Jus-
tices of the
Peace.

256. All prosecutions for penalties incurred by persons vending Wine, Rum, Brandy or other Spirituous Liquors, Beer, Ale, Cider or other fermented or manufactured liquors without License, shall be recoverable with costs before any two or more Justices of the Peace having jurisdiction in the Municipality in which the offence is committed, upon the oath of one credible witness, one half of which penalty shall go to the Informer and the other half to the Municipality; but in Cities and Towns having a Police Magistrate, the offence shall be tried before such Police Magistrate.

Intoxicating
liquors not to
be sold in Ta-
verns, &c. at
certain times.

257. In all places where, by the laws of that part of this Province called Upper Canada, intoxicating liquors are or may be allowed to be sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till the hour of eight of the clock on Monday morning thereafter, and during any further time on the said days and any hours on other days during which by any By-law of the Municipality wherein such place or places may be situated, the same or the bar-room or bar-rooms thereof ought to be kept closed, save and except in cases where a requisition, for medicinal purposes, signed by a licensed medical practitioner or by a Justice of the Peace, is produced by the vendee or his agent, nor shall any such liquors be permitted or allowed to be drunk in any such places, except as aforesaid, during the time prohibited by this Act for the sale of the same.

Exception.

Nor shall such
liquor be
drunk on the
premises dur-
ing the same.

Penalty.

First offence.

258 A penalty for the first offence of not less than twenty dollars, with costs, or fifteen days imprisonment with hard labour in case of conviction, shall be recoverable from and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of the said place or places, who shall be found by himself,

himself or herself or themselves or his, her or their servants or agents, to have contravened the enactment in the preceding section or any part thereof,—for the second offence, a penalty against all such of not less than forty dollars, with costs or twenty days imprisonment with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars, with costs or fifty days imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than three months imprisonment, with hard labour, in the common gaol of the County wherein such place and places may be, the number of such offences to be ascertained by the production of a certificate from the convicting Justice, or by other satisfactory evidence to the Justice before whom the information or complaint may be made; and it is hereby enacted that convictions for several offences may be made under this Act although such offences may have been committed in the same day; provided always, that the increased penalties hereinbefore imposed shall only be recoverable in the case of offences committed on different days.

Second offence.

Third offence.

Fourth offence,
&c.Proof of former
offence.

Proviso.

259. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this Act; all proceedings shall be begun within twenty days from the date of the offence, all informations, complaints or other necessary proceedings may be brought and heard before any one or more Justices of the Peace of the County where the offence or offences were committed or done, and the mode of procedure in, and the forms appended to the Act chapter one hundred and three of the Consolidated Statutes of Canada, for summary proceedings, may be followed as regards the cases and proceedings under this Act.

Who may pro-
secute.Limitation of
suits.

Procedure.

260. The said penalties in money, or any portion of them which may be recovered, shall be paid to the convicting Justice or other acting Justice in the case, and by him paid equally, one half to the informant or complainant, and the other half to the Treasurer of the Municipality where the place or places referred to are situated; and for the recovery of the said penalties and costs it shall and may be lawful for any Justice or Justices to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the said offender, and in case no sufficient goods be found to satisfy such penalty and costs, then it shall and may be lawful for the said Justice or Justices to order that the person or persons so convicted, be imprisoned in any common gaol in the County or City in which such conviction takes place, for any term not exceeding thirty days, unless the amount of penalty and costs be sooner paid.

Application of
penalties.Recovery of
penalties.Imprisonment
for non-pay-
ment.

261. The word "Liquors" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors or drinks which are intoxicating.

Interpretation.

INSPECTORS OF LICENSES.

By-laws for—

262. The Council of every Township, Town or Incorporated Village, and the Commissioners of Police in every city, may respectively pass By-laws :

Appointment of
Inspectors of
Shop and
Tavern Li-
censes.

1. For appointing annually one or more fit and proper persons, possessing the same property qualification as that required for members of the Council of the municipality, to be Inspectors of Shop and Tavern-licenses, who shall hold office during the current year, and any vacancy occurring during the year shall be filled by the Council, or Commissioners of Police, for the remainder of such year ;

Term of office.

Duties and re-
muneration of.

Security.

2. For fixing and defining the duties, powers and privileges of the Inspectors so appointed ; the remuneration they shall receive ; and the security to be given by them for the efficient discharge of the duties of their office ; such By-laws not being contrary to law.

Inspectors may
endorse licenses
to authorize
sale of liquors
elsewhere than
in the house
described in
license.

263. Any Inspector of Licenses may, in his discretion (but subject to any By-law of the Municipality, or Commissioners of Police) endorse on any license, permission to the person holding the license, to sell the liquors mentioned in his License at any place out of his house, or to remove from the house licensed to another house to be described in the indorsement and situate within the same Municipality, and such permission shall authorize the holder thereof to sell such Liquors in the House mentioned in the indorsement, during the unexpired portion of the term for which the License was granted, and upon the same terms and conditions ; And any bond or security which such holder may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorized.

By-laws for—

264. Every Council of a Township, City, Town or Incorporated Village may also pass By-laws :

BILLIARD TABLES.

Licensing and
regulating
Billiard Tables.

1. For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any Billiard-table, or who keep or have a Billiard-table in a house or place of public entertainment or resort, whether such Billiard Table is used or not, and for fixing the sum to be paid for a License so to have or keep such Billiard-table, and the time such License shall be in force ;

VICTUALLING HOUSES, &C.

Victualling
houses, number

2. For limiting the number of and regulating Victualling Houses, ordinaries, and houses where fruit, oysters, clams, or victuals

victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public ; and, and regulation of.

3. For licensing the same when no other provision exists therefor, and for fixing the rates of such Licenses not exceeding Twenty dollars. License and fee for same.

LICENSES, HOW LONG TO CONTINUE.

265. In case any By-law respecting Licenses is repealed, altered or amended, no person shall be required to take out a new license or to pay any additional sum upon his license during the time for which the same has been granted to him. Licenses when not required to be renewed.

LICENSE FEES.

266. All sums of money levied for licenses over and above the sum payable to the Province, by way of duty, shall belong to the Corporation of the Municipality in which they are levied. License fees to belong to Municipality.

DISORDERLY INNS.

267. The Mayor or Police Magistrate of a Town or City, or the Reeve of a Township or Village with any one Justice of the Peace having Jurisdiction in the Township or Village, upon complaint made on oath to them, or one of them respectively, of riotous or disorderly conduct in any Inn, Tavern, Ale or Beer house situate within their jurisdiction, may summon the keeper of the Inn, Tavern, Ale or Beer House, to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just. How keepers of disorderly Inns to be proceeded against.

LAND MARKS AND BOUNDARIES.

268. In case the Council of any Township, City, Town or Incorporated Village adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the Council may apply to the Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stone or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every Placing land marks and monuments to mark boundaries.

Con. Stat. U. C. c. 93.

Costs of survey.

every lot therein, (as the case may be,) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said Statute.

Certain Councils may pass By-laws, for—

269. The Council of every Township, City, Town or Incorporated Village may also pass By-laws :

PROVISION FOR ESTABLISHING BOUNDARIES.

Ascertaining and marking boundaries of Townships.

1. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the Municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same;

SCHOOLS.

Acquiring land for schools, &c.

2. For obtaining such real property as may be required for the erection of Common School Houses thereon and for other Common School purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of Common Schools according to law;

CEMETERIES.

For establishing cemeteries

3. For accepting or purchasing land for public cemeteries, as well within as without the Municipality, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a By-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose; and thereupon such land, although without the Municipality, shall become part thereof, and shall cease to be part of the Municipality to which it formerly belonged; and such By-law shall not be repealed;

For selling portions thereof on limited terms.

4. For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portions shall be held;

CRUELTY TO ANIMALS.

Preventing cruelty to animals.

5. For preventing cruelty to animals; and for preventing the destruction of birds, the By-laws for these purposes not being inconsistent with any Statute in that behalf;

DOGS.

Tax on dogs.

6. For imposing a tax on the owners, possessors or harbourers of dogs;

Killing dogs.

7. For killing dogs running at large contrary to the By-laws;

FENCES.

FENCES.

8. For settling the height and description of lawful fences ; Height and kind of fences.

DIVISION FENCES.

9. For regulating the height; extent and description of lawful division fences ; and for determining how the cost thereof shall be apportioned ; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act ; but until such By-laws be made, the Act respecting line fences and water courses, shall continue applicable to the Municipality ; Of division fences.

WEEDS.

10. For preventing the growth of weeds detrimental to good husbandry ; Destruction of weeds.

EXHIBITIONS, SHOWS, &C.

11. For preventing or regulating and licensing exhibitions of Wax Work, Menageries, Circus riding and other such like shows usually exhibited by showmen, and for requiring the payment of License fees for authorizing the same, not exceeding one hundred dollars for every such License, and for imposing fines upon persons infringing such By-laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such Exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month ; Provided always that it shall not be lawful for the Council of any Municipal Corporation, or the Commissioners of Police in any City to grant Licenses or License Certificates to persons having exhibitions of any work or circus, riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares or merchandise of whatever description, for gain, on the days of the exhibition of the Agricultural Association of Upper Canada, or of any County, Electoral Division or Township Agricultural Society, either on the grounds of such Society, or within the distance of three hundred yards from such grounds. Licensing Public Shows.
Fines for infraction.
Proviso : Licenses not to be granted for certain times and places.

GRAVES.

12. For preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred ; Protecting graves.

INJURIES TO PRIVATE PROPERTY AND NOTICES.

13. For preventing the injuring or destroying of trees planted or preserved for shade or ornament ; Ornamental trees.

Signs.

14. For preventing the pulling down or defacing of sign-boards, and of printed or written notices ;

GAS AND WATER.

Authorizing
Gas and Water
Companies to
lay down pipes,
&c.

15. For authorizing any Corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit ; and

STOCK IN.

Taking Stock
in Gas and
Water Com-
panies.
Proviso :

16. For acquiring stock in, or lending money to, any such Company ; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by, the Company ; Provided the By-law is consented to by the Electors, as hereinbefore provided.

Head of Corpo-
ration to be a
Director.

270. The Head of any Corporation holding Stock in any such Company to the amount of ten thousand dollars shall be *ex officio* a Director of the Company in addition to the other Directors thereof, and shall also be entitled to vote on such Stock at any Election of Directors.

PROVISIONS APPLICABLE TO TOWNSHIPS AND COUNTIES.

The next following Section applies to Townships and Counties :

Remuneration
to Councillors
limited.

271. The Council of every Township and County may pass By-laws for paying the Members of the Council for their attendance in Council, at a rate not exceeding two dollars per diem, and five cents per mile necessarily travelled to and from such attendance.

INVESTMENT OF MONEYS.

Appropriation
of certain mo-
neys for edu-
cation.

Investment.

272. From and after the passing of this Act, any Municipal Corporation having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power, by By-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to educational purposes, in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities, or in the securities already mentioned by law, as may be directed by such By-law, or by other By-laws passed for that purpose ; Provided always, that no Municipal Corporation shall invest in such real estate, securities within

Proviso :
as to invest-
ments.

within the limits of its own Municipality, nor shall any sum, so invested, exceed one-third of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested.

273. And whereas several Municipalities have heretofore invested moneys derived from the said fund and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid.

Investments already made legalized.

274. The Board of School Trustees of any City or Town in Upper Canada, having surplus moneys for educational purposes, may invest the same in the purchase of Provincial Consolidated Loan Fund, or Municipal Debentures, or in such securities as are described in the next preceding section, subject to the provisions, conditions, limitations and restrictions therein contained; and any By-law or resolution of any such Corporation heretofore made for authorizing any such investment, under which any such money has been so invested, shall be held to be a good and valid By-law or resolution.

Investment of moneys by Board of School Trustees.

Investments heretofore made.

275. Any Municipal Corporation having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power by By-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any Board or Boards of School Trustees within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such By-law.

Loans to Boards of School Trustees by Municipalities.

276. Any Board of School Trustees may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by By-law authorize the borrowing from any Municipal Corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such By-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only.

Boards of School Trustees may borrow such moneys.

277. Any member of any Municipal Corporation or Board of School Trustees, who shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the Corporation of which he is a member, otherwise than as is authorized by this Act, or by the eleventh section of the Act respecting Clergy Reserves, or by any other law in that behalf made and provided, shall be held personally liable for any loss sustained by such Corporation and shall also be guilty of misdemeanor, and be liable to conviction in any Court of competent jurisdiction in Upper Canada, and upon conviction may be sentenced to fine or imprisonment, or both, in the discretion of such Court.

Liability of members of corporation or School Trustees, in vesting money otherwise than authorized by this Act.

ELECTORAL DIVISIONS.

Dividing City
or Town into
Wards.

And Townships
into electoral
divisions.

278. The Council of any city or town may from time to time pass by-laws for dividing the wards of such city or town into two or more convenient electoral divisions, for establishing polling places therein, and for appointing Returning Officers therefor, and may from time to time repeal or vary the same; and the Council of every township or incorporated village may by By-law divide the same into two or more electoral divisions and may from time to time repeal or vary the same.

POOR.

By-laws for the
relief of the
poor, when and
how they may
be passed.

279. Every Township Council may also make By-laws for raising money by a rate to be assessed equally on the whole rateable property of the township for the support of the poor resident in the township, or appropriating from the general funds of the municipality a sum for such purpose.

OBSTRUCTIONS TO STREAMS AND WATER-COURSES.

By-laws for
preventing ob-
struction of
Streams, &c.

280. Every Township Council may also make By-laws for preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise, and for levying the amount of such expense in the same manner as taxes are levied, and for imposing penalties on parties causing such obstructions.

DRAINAGE IN TOWNSHIPS.

Drainage.

281. In case a majority in number of the resident owners of the property in any part of a township do petition the Council for the deepening of any stream, creek or water-course, or for draining of the property (describing it), the Council may procure an examination to be made by a competent engineer, or other competent person, of the stream, creek or water-course proposed to be deepened, or of the property proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or person.

Plans and esti-
mates.

By-law.

282. If the Council be of opinion that the deepening of such stream, creek or water-course, or the draining of the locality described, would greatly benefit the township, the Council may pass a By-law :

Its provisions.

1. For providing for the deepening of the stream, creek, or water-course, or the draining of the locality ;

Assessment for
expenses.

2. For assessing and levying upon the real property to be immediately benefited by the deepening or draining, a special rate sufficient to include a sinking fund, for the repayment of
Debentures

Debentures which such Councils are hereby authorized to issue in such cases respectively, to provide funds for such improvements, and for so assessing and levying the same, by an annual rate in the dollar on the real property so benefited, in proportion, as nearly as may be, to the benefit derived by such portion ;

3. For regulating the time or times and manner in which the assessment shall be paid ; Time of paying.

4. For ascertaining and determining through such engineer or person aforesaid, what real property will be immediately benefited by the deepening or draining, and the proportions in which the assessment should be made on the various portions of the land so benefited, and subject in every case to an appeal to the Council and the County Court Judge, in the same manner and on the same terms, as nearly as may be, as in the case of an ordinary assessment ; Ascertaining property benefited.

5. But the by-law shall not be valid unless before the final passing thereof, the same has been published once or oftener in every week, for one month, in some newspaper published in the township, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published ; Publication of by-law.

6. Whenever it is necessary to continue the deepening or drainage aforesaid, beyond the limits of any township, the engineer employed by the corporation of such township may continue the survey and levels through the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the township in which the deepening or draining was commenced ; Works extending beyond the Township.

7. When a drain does not extend beyond the limit of the municipality in which it is commenced, but in the opinion of the engineer or other person aforesaid, benefits lands in an adjoining municipality or greatly improves any road lying within any municipality, or between any two or more municipalities, then the engineer shall charge the lands to be so benefited, and the corporation or corporations whose road or roads are improved, with such proportion of the cost of the work as he may deem just, and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality ; Not so extending, but benefiting lands in another municipality.

8. The engineer, when necessary, shall make plans and specifications of the deepening or drainage to be constructed and charge the lands to be benefited by the work as provided herein ; Charging lands so benefited.

9. The engineer, or other person aforesaid, shall determine and report to the Council by which he was employed, whether By what municipalities ex-
the

pense ought to be borne. the deepening or drainage shall be constructed and maintained solely at the expense of such township, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion ;

Notice by the municipality in which the work is commenced to the other.

10. The Corporation of the township in which the deepening or drainage is to be commenced, shall serve the Head of the Corporation of the municipality into which the same is to be continued, or whose lands or roads are to be benefited, without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer, when necessary, so far as they affect such last mentioned municipality, and unless the same is appealed from, as hereinafter provided, it shall be binding on the Corporation of such municipality ;

Duty of such other municipality.

11. The Corporation of such last mentioned municipality shall, within four months from the delivery to the Head of the Corporation of the engineer's report, as provided in the next preceding subsection, pass a by-law in the same manner as if a majority of the resident owners of the lands taxed had petitioned, as provided in the two hundred and eighty-first section of this Act, to raise such sum as may be named in the engineer's report, or, in case of an appeal, for such sum as may be determined by the arbitrators ;

Appeal allowed to such other municipality, notice, arbitrator.

12. The Council of the municipality into which the deepening or drainage is to be continued, or whose lands, road or roads are to be benefited without the deepening or drainage being carried within its limits, may, within thirty days from the day on which they receive the report, appeal therefrom, in which case they shall serve the Head of the Corporation from which they received the report, with a notice of appeal ; such notice shall state the grounds of appeal, the name of an engineer as their arbitrator, always the place, day and hour of meeting of the arbitrators; provided always, that not less than twenty days' notice of such meeting shall be given ;

Proviso.

Arbitrator on part of Corporation appealed against.

13. The Corporation on which such notice is served shall, within fifteen days from the day on which the notice was served upon them, appoint an engineer to be arbitrator on their behalf, and in case of default, the arbitrator shall, within ten days, be named by the Judge of the County Court of the county in which such municipality making default is situate ;

Meeting of arbitrators.

14. The arbitrators so appointed shall meet on the day and at the place appointed, or on such other day, not later than thirty days thereafter, as they themselves may agree upon.

Third arbitrator;—hearing and award, copies to be filed, &c.

15. The arbitrators shall choose a third arbitrator, and shall then hear and determine the matter in dispute, and make their award in triplicate, which shall be binding on all parties, and

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one copy thereof shall be filed with the Clerk of each of the municipalities interested, and one shall be filed with the Registrar of Deeds for the county in which either of the townships is situate ;

16. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality to preserve, maintain and keep the same within its own limits, and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be liable to an indictment for such neglect or refusal, as well as to pecuniary damages to any person who, or whose property shall be injuriously affected thereby.

Duties of municipalities after the drainage is completed.

INSPECTORS OF WEIGHTS AND MEASURES.

283. The Council of every county, city and town may pass by-laws :

1. For appointing Inspectors to regulate weights and measures, according to the lawful standard ;

Inspectors of weights and measures : their powers.

2. For visiting all places wherein weights and measures, steel-yards or weighing machines of any description are used ;

3. For seizing and destroying such as are not according to the standard ;

4. For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines.

PUBLIC MORALS.

284. The Council of every County, City and Town may also pass By-laws :

By-laws for other purposes.

1. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector ;

Giving drink to children, &c.

2. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ;

Indecent placards, &c.

3. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency in streets, highways or public places ;

Drunkenness, &c.

4. For suppressing disorderly houses and houses of ill-fame ;

Lowdness.

- Racing.** 5. For preventing horse racing ;
- Exhibitions, &c.** 6. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement ;
- Gaming.** 7. For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein ;
- Vagrants.** 8. For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place ;
- Indecent exposure.** 9. For preventing indecent public exposure of the person and other indecent exhibitions ;
- Bathing.** 10. For preventing or regulating the bathing or washing the person in any public water near a public highway.

**PROVISIONS APPLICABLE TO COUNTIES, CITIES,
AND TOWNS SEPARATED FROM COUNTIES.**

Extent of section to— **285.** The following sections numbered from two hundred and eighty-six to two hundred and eighty-eight, both inclusive shall apply to the following Municipalities :

1. Counties ;
2. Cities ;
3. Towns separated from Counties.

By-laws for regulating— **286.** The Council of every County, City and Town separated from the County for Municipal purposes may respectively pass By-laws for the following purposes :

ENGINEERS—INSPECTORS.

Appointing Engineers and Inspectors. 1. For appointing, in addition to other officers, one or more Engineers, and also one or more Inspectors of the House of Industry, also one or more Surgeons of the Gaol and other institutions under the charge of the Municipality, and for the removal of such officers ;

AUCTIONEERS.

Auctioneers. 2. For licensing, regulating and governing Auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction ; and for fixing the sum to be paid for every such license, and the time it shall be in force ;

HAWKERS AND PEDLARS.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become householders or permanent residents in the county or city, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel, or other craft or otherwise, carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county or city, and the time the license shall be in force; and for providing the Township Clerks with licenses in this and the preceding section mentioned, for sale to parties applying for the same in the township under such regulations as may be prescribed in such By-law;

Hawkers and Pedlars.

Licenses for.

FERRIES.

4. For regulating Ferries between any two places in the Municipality; and establishing the rates of ferriage to be taken thereon; but no such By-law as to Ferries, shall have effect until assented to by the Governor in Council.

Ferries with assent of Governor in Council.

287. Until the Council of the County or City pass a By-law regulating such Ferries, and in the cases of Ferries not between two places in the same Municipality, the Governor by Order in Council may from time to time regulate such ferries respectively and establish the rates to be taken thereon, in accordance with the Statutes in force relating to Ferries.

Where there is no By-law.

288. The Council of every County, City and Town separated from the County for Municipal purposes, may pass By-laws for the following purposes:

By-laws may be made by Cities and Counties, for—

LANDS FOR GRAMMAR SCHOOLS.

1. For obtaining in such part of the county, or of any city or town separated within the County, as the wants of the people may most require, the real property requisite for erecting County Grammar School-houses thereon, and for other Grammar School purposes, and for preserving, improving and repairing such School-houses, and for disposing of such property when no longer required;

Purchase of lands for Grammar Schools.

AIDING GRAMMAR SCHOOLS.

2. For making provisions in aid of such Grammar Schools as may be deemed expedient;

Aiding such school.

PUPILS COMPETING FOR UNIVERSITY PRIZES.

3. For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the

Grammar School pupils competing for Upper

University prizes.

Upper Canada College and Royal Grammar School there, of such of the pupils of the Public Grammar Schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective Masters of such Grammar Schools, possess competent attainments for competing for any Scholarship, Exhibition or other similar Prize, offered by such University or College ;

Attendance at Grammar Schools.

4. For making similar provision for the attendance at any County Grammar School, for like purposes of Pupils of Common Schools of the County ;

ENDOWING FELLOWSHIPS.

Endowing Fellowships.

5. For endowing such Fellowships, Scholarships or Exhibitions, and other similar Prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the Pupils of the Public Grammar Schools of the County, as the Council deems expedient for the encouragement of learning amongst the youth thereof.

PROVISIONS APPLICABLE TO COUNTIES ONLY.

Extent of certain sections to—

289. The following sections, numbered from two hundred and ninety to two hundred and ninety-four, apply to Counties only.

SEPARATE IMPROVEMENTS BY UNITED COUNTIES.

Enabling one of United Counties to raise money for improvements.

290. The Councils of United Counties may make appropriations and raise funds, to enable either county separately to carry on such improvements as may be required by the inhabitants thereof.

Reeves of the County interested only to vote for.

291. Whenever any such measure is brought under the notice of the Council of any United Counties, none but the Reeves and Deputy Reeves of the County to be affected by the measure shall vote ; except in case of an equality of votes, when the Warden, whether a Reeve or Deputy Reeve of any portion of the County to be affected by the measure or not, shall have the casting vote.

Exception.

Provisions of this Act for re-payment to apply.

292. In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to.

Treasurer to pay over moneys, without deduction.

293. The Treasurer of the United Counties shall pay over all sums so raised and paid into his hands by the several Collectors, without any deduction or percentage.

294. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate Municipality, but such debenture shall be under the seal of the United Counties, and be signed by the Warden thereof.

In such cases the property of the County interested is alone to be assessed.

PROVISIONS APPLICABLE TO CITIES, TOWNS AND INCORPORATED VILLAGES.

295. The following section applies to the following Municipalities :

Extent of section 295.

1. Cities,
2. Towns, and
3. Incorporated Villages.

296. The Council of every City, Town and Incorporated Village may respectively pass By-laws for the following purposes :

By-laws may be made—

HARBOURS, DOCKS, &C.

1. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water ;

For the cleanliness of wharves, docks, &c.

2. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found ;

For removal of door steps, &c.

3. For making, opening, preserving, altering improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof ;

Wharves, docks, &c.

4. For regulating harbours ; for preventing the filling up or encumbering thereof ; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels ;

For regulating harbours, &c.

vessels ; for regulating the vessels, crafts and rafts arriving in any harbour ; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a Harbour Master ;

WATER.

For supplying
water, &c.,

5. For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof ; and for preventing the wasting and fouling of public water ;

MARKETS.

Markets.

6. For establishing markets ;

For regulating
markets.

7. For regulating all markets established and to be established ; the places however already established as markets in such Municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority ; and all market reservations or appropriations heretofore made in any such Municipality, shall continue to be vested in the Corporation thereof ;

Old markets
continued.

Regulating
vending in
streets.

8. For preventing or regulating the sale by retail in the public streets, of any meat, vegetables, fruit or beverages ;

Vending in
open air.

9. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed ;

Sale of
Butcher's meat

10. For regulating the place and manner of selling and weighing butcher's meat, fish, hay, straw, fodder, wood, and lumber ;

Preventing
forestalling.

11. For preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots, vegetables, poultry and dairy products ,

Regulating
Hucksters.

12. For preventing and regulating the purchase of such things by hucksters or runners living within the Municipality, or within one mile from the outer limits thereof ;

Measuring,
Weighing, &c.

13. For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel ;

Penalties for
light weight.

14. For imposing penalties for light weight or short count or short measurement in anything marketed ;

Regulating
vehicles used

15. For regulating all vehicles, vessels and all other things in which anything is exposed for sale or marketed, and for imposing

a reasonable duty thereon and establishing the mode in which it shall be paid ; in market vending.

16. For regulating the assize of bread, and preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the By-law ; Assize of bread, &c.

17. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ; Tainted provisions.

18. For selling, after six hours' notice, butcher's meat distrained for rent of market-stalls ; Rent of market stalls.

NUISANCES.

19. For preventing or regulating the bathing or washing the person in any public water in or near the Municipality ; Bathing.

20. For preventing and abating public nuisances ; Abatement of nuisances.

21. For preventing or regulating the construction of privy vaults ; Privy vaults.

22. For causing vacant lots to be properly enclosed ; Vacant lots.

23. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; Slaughter Houses, &c.

24. For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places ; Tumultuous noises.

25. For preventing or regulating the firing of guns or other fire arms ; and the firing or setting off of fire balls, squibs, crackers or fire works, and for preventing charivaries and other like disturbances of the peace ; Firing guns, &c.

26. For preventing immoderate riding or driving in highways or streets ; for preventing the leading, riding or driving of horses or cattle upon side-walks or other places not proper therefor ; Furious driving.

27. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding-house, or for regulating persons so employed ; Importuning travellers.

PUBLIC HEALTH

28. For providing for the health of the Municipality and against the spreading of contagious or infectious diseases ; Public health.

INTERMENTS.

Interments. 29. For regulating the interment of the dead, and for preventing the same taking place within the Municipality ;

Bills of mortality. 30. For directing the keeping and returning of bills of mortality ; and for imposing penalties on persons guilty of default ;

LICENSES.

Licensing cabs, &c. 31. For regulating and licensing the owners of livery stables and of horses, cabs, carriages, omnibuses and other vehicles used for hire ; for establishing the rates of fare to be taken by the owners or drivers ; and for enforcing payment thereof ;

GUNPOWDER.

Gunpowder, care of. 32. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; for regulating, and providing for the support by fees, of magazines for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land, as well within as without the Municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor ;

FIRES.

Fire Companies, &c. 33. For appointing Fire Wardens, Fire Engineers and Firemen, and promoting, establishing and regulating fire-companies, hook-and-ladder companies, and property-saving companies ;

Medals and rewards to, &c. 34. For providing medals or rewards for persons who distinguish themselves at fires ; and for granting pecuniary aid or otherwise assisting the widows and orphans of persons who are killed by accident at such fires ;

Fire in stables, &c. 35. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places ;

Dangerous manufactures ; 36. For preventing or regulating the carrying on of manufactures or trades dangerous in causing or promoting fire ;

Stoves, chimneys, &c. 37. For preventing, and for removing, or regulating the construction of any chimney, flue, fire place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire ;

Size and cleaning chimneys, &c. 38. For regulating the construction of chimnies as to dimensions and otherwise ; and for enforcing the proper cleaning of the same ;

39. For regulating the mode of removal and safe keeping of Ashes.
ashes ;

40. For regulating and enforcing the erection of party walls ; Party walls.

41. For compelling the owners and occupants of houses to have scuttles in the roofs thereof, and stairs or ladders leading to the same. Ladders to houses.

42. For causing buildings and yards, to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident ; Buildings and yards, condition of.

43. For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed ; and for regulating the examination of them ; and the use of them at fires ; Fire buckets.

44. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ; Inspection of premises.

45. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire ; Suppression of fires.

46. For regulating the conduct, and enforcing the assistance, of the inhabitants present at fires ; and for the preservation of property at fires ; Enforcing assistance at fires.

SNOW, ICE AND DIRT.

47. For compelling persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also to remove the same from the sidewalks, street or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default ; Removal of snow, &c.

NUMBERING HOUSES AND LOTS.

48. For numbering the houses and lots along the streets of the Municipality, and for affixing the numbers to the houses, buildings or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same ; Numbering houses, &c.

49. For keeping (and every such Council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such Council is hereby required to enter thereon, a division of the streets with boundaries and distances for public inspection ; Record of streets, numbers, boundaries, &c.

DRAINAGE.

DRAINAGE.

Ascertaining
levels.

50. For ascertaining and compelling owners, tenants and occupants to furnish the Council with the levels of the cellars heretofore dug or constructed or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the By-laws ;

Block plans of
buildings.

51. For compelling to be deposited with an officer, to be named in the By-law, before commencing the erection of any building, a ground or block plan of such building with the levels of the cellars and basements thereof with reference to a line fixed by the By-law ;

Cellars, sinks,
&c.

52. For regulating the construction of cellars, sinks, water-closets, privies and privy-vaults, and the manner of draining the same ;

Filling in hol-
low places,
drains, &c.

53. For compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies ; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the Council on their default ;

Sewerage and
drainage.

54. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;

Charging rent
for sewers.

55. For charging all persons who own or occupy property which is drained into a common sewer or which by any By-law of the Council is required to be drained into such sewer with a reasonable rent for the use of the same ; and for regulating the time or times and manner in which the same is to be paid ;

Regulating
transient tra-
ders.

56. For licensing, regulating and governing transient traders and other persons who occupy places of business in the city or town for uncertain periods less than one year, and whose names have not been duly entered in the assessment rolls for the then current year.

PROVISIONS APPLICABLE TO CITIES AND TOWNS.

Certain extent
of sections.

297. The following sections, numbered two hundred and ninety-eight, two hundred and ninety-nine and three hundred apply to the following Municipalities :

1. Cities.

2. Towns.

CORONERS.

Appointment
of.

298. One or more Coroners shall be appointed for every incorporated City or Town.

INTELLIGENCE OFFICES.

299. The Council of every City and Town may respectively *By-laws for—*
pass By-laws :

1. For Licensing suitable persons to keep Intelligence *Licensing In-*
Offices for registering the names and residences of and giving *telligence*
information to, or procuring servants for, employers in want of *offices.*
domestics or labourers, and for registering the names and resi-
dences of and giving information to, or procuring employment
for, domestics, servants and other labourers desiring employ-
ment, and for fixing the fees to be received by the keepers of
such offices ;
2. For the regulation of such Intelligence Offices ; *Regulation of.*
3. For limiting the duration of or revoking any such license ; *Duration of*
license.
4. For prohibiting the opening or keeping any such Intelli- *Prohibition of*
gence Office within the Municipality without License ; *without license.*
5. For fixing the fee to be paid for such License, not exceed- *Fees for.*
ing one dollar for one year ;

WOODEN BUILDINGS.

6. For regulating the erection of buildings and preventing *Wooden build-*
the erection of wooden buildings and wooden fences in *ings.*
specified parts of the City or Town ;

POLICE.

7. For establishing, regulating and maintaining a police ; *A police.*
but subject to the other provisions of this Act on that head ;

INDUSTRIAL FARM—EXHIBITION.

8. For acquiring any estate in landed property within or *Industrial farm.*
without the City or Town for an industrial farm, or for a
public park, garden or walk, or for a place for exhibitions,
and for the disposal thereof when no longer required for the
purpose ; and for accepting and taking charge of landed
property, within or without the City or Town dedicated for a
public park, garden or walk for the use of the Inhabitants of the
City or Town ;
9. For the erection thereon of buildings and fences for the *Buildings*
purposes of the farm, park, garden, walk or place for exhibitions, *thereon.*
as the Council deems necessary ;

10. For the management of the farm, park, garden, walk *Managing the*
or place for exhibitions and buildings ; *same.*

CHARITY.

Almshouses,
and poor.

11. For establishing and regulating within the City or Town, or on the Industrial farm or ground held for public exhibitions, one or more Almshouses or houses of refuge for the relief of the destitute, and for granting out of door relief to the resident poor, and also for aiding charitable institutions within the City or Town.

300. The Council of a City or Town may also pass By-laws :

Appointment of
Corporation
Surveyor.

1. For appointing any person to be the Corporation Surveyor; and the Board of Examiners of Provincial Land Surveyors for Upper Canada shall examine such person, and, if he is found competent, shall grant to him, without the usual service, his certificate as a Deputy Provincial Surveyor, and his acts as such shall, in the town or city, while he holds the office of Surveyor thereto, have the same effect as those of any other Deputy Provincial Surveyor;

GAS AND WATER.

Lighting with
gas.

2. For lighting the Municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property;

Laying down
gas and water
pipes.

3. For laying down Gas or Water pipes in any street and opening streets for the purpose; and for taking up or repairing such pipes, and for using every power and privilege given to any Gas or Water Company incorporated in the Municipality as if the same were specially given by this Act, subject however to the provisions herein contained as to the erection of Gas or Water Works and levying rates therefor;

Gas and Water
Works.

4. For constructing Gas and Water Works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years;

Estimate to be
published, and
notice of Poll
to be held on
the By-law.

5. But no By-law under the last subsection shall be passed,—
Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a Poll of the Electors on the proposed By-law has been published for two months, and a copy of the proposed By-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council, have been published for three months, in some newspaper in the Municipality; or if no newspaper is published therein, then in some newspaper in the County in which the Municipality is situate;

Proceedings
prior to taking
public vote.

Nor,

Nor, Secondly, until at a Poll, held in the same manner and at the same places, and continued for the same time as at elections for Councillors, a majority of the Electors, voting at the Poll, vote in favor of the By-law ;

Poll to be held, and majority must be in favour.

Nor, Thirdly, unless the By-law is thereafter passed at the special meeting mentioned in the published notice ;

By-law to be passed only at a special meeting, &c.

6. If the proposed By-law is rejected at such Poll, no other By-law for the same purpose shall be submitted to the electors during the current year ;

If the By-law is rejected.

7. In case there be any Gas or Water Company incorporated for the Municipality, the Council shall not levy any Gas or Water rate until such Council has by By-law fixed a price to offer for the Works or Stock of the Company ; nor until thirty days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provisions of this Act as to Arbitrators, named and given notice of an Arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company ;

If there is a Gas or Water Company for the Municipality.

8. The Council of a City or Town may also pass By-laws,—

Inspection of Gas-metres.

9. For providing for the appointment of three Commissioners for entering into contracts for the construction of Gas and Water-works,—for superintending the construction of the same,—for managing the works when completed,—and for providing for the Election of the said Commissioners by the Electors from time to time and at such periods, and for such terms as the Council may appoint by the By-law authorizing the Election.

Commissioners for erection of Gas or Water Works.

PROVISIONS APPLICABLE TO CITIES ONLY.

301. The Council of every City may pass By-laws for the following purposes :

City Councils may make By-laws for certain purposes.

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby ; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefited ; subject in every case to an appeal to the Recorder in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment ;

Ascertaining the property to be benefited by a local improvement.

Assessing such property for such improvement—and in what manner.

2. For assessing and levying upon the real property to be immediately benefited by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or plank-ing of any street, lane, or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in num-ber and one-half in value of such real property, of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repayment of Debentures which such Councils are hereby authorized to issue in such cases respect-ively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same ;

Annual rate.

(1.) By an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improve-ments ;

Regulating time of pay-ment, &c.

3. For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their propor-tionate shares of the cost thereof in principal sums ;

If funds fur-nished by par-ties.

4. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected.

Under what conditions such improvements may be under-taken.

302. No such local improvement as aforesaid shall be under-taken by the Council of any City, except under a By-law passed in pursuance of the fourth subsection of the preceding section, otherwise than on the petition of two-thirds in number and one half in value of real property to be directly benefited thereby, of the owners of such real property,—the number of such owners, and the value of such real property having been first ascertain-ed and finally determined in the manner and by the means provided by By-law in that behalf ; and if the contemplated improvement be the construction of a common sewer having a sectional area of more than four feet, one-third of the cost there-of shall also first be provided for by the Council of the City, by By-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise.

As to sewers.

What condi-tions shall be requisite to the validity of the By-laws.

303. It shall not be essential to the validity of any By-law passed in virtue of the three hundred and first section of this Act, that it be in accordance with the restrictions and provi-sions contained in the two hundred and twenty-six section of this Act ; but no such By-law shall be valid which is not in accordance with the following restrictions and provisions :

Day for By-law taking effect.

1. The By-law shall name a day, in the financial year in which the same is passed when it shall take effect ;

2. The whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such By-law takes effect ;

Period for
payment.

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year on the real property described therein and rateable thereunder for paying the debt and interest ;

Special rate.

4. Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof ;

Amount of such
rate.

5. The By-law shall recite :

What the By-
law must recite.

(1.) The amount of the debt which such By-law is intended to create, and, in some brief and general terms, the object for which it is to be created ;

Amount and
object.

(2.) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the By-law ;

Annual
amount.

(3.) The value of the whole real property rateable under the By-law as ascertained and finally determined as aforesaid. ;

Value of pro-
perty rated.

(4.) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to the foregoing provisions of this Act ;

Special rate.

(5.) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

Security for
debt.

304. Every Debenture issued under the sections of this Act numbered three hundred and one to three hundred and three inclusive, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the By-law under which it is issued, and also a statement of its being issued in virtue of this Act.

Debentures
under sections
301 to 303 to be
specially-distin-
guished.

305. The two hundred and twenty-seventh section of this Act shall not apply to any By-law passed in virtue of the four last preceding sections of this Act.

Section 227 not
to apply.

306. Nothing contained in the sections of this Act, numbered three hundred and one to three hundred and four shall

Certain sec-
tions not to ap-

ply to certain works.

shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the City generally.

PROVISIONS APPLICABLE TO POLICE VILLAGES ONLY.

Extent of sections 308 to 314

307. The following sections numbered from three hundred and eight to three hundred and fourteen apply to Police Villages only;

INSPECTING TRUSTEE.

Appointment of Inspecting Trustees.

308. The Trustees of every Police Village, or any two of such Trustees shall, by a writing under their hands to be filed with the Clerk of the Township, or one of the Townships in which the Village is situate, appoint one of their number to be Inspecting Trustee.

Filling vacancies.

309. In case of any vacancy in the office of a Police Trustee, by death or otherwise, the remaining Trustee or Trustees shall, by writing to be filed with such Clerk as aforesaid, appoint a Trustee or Trustees to supply the vacancy.

NEGLECT OF DUTY BY TRUSTEES.

Penalty for breach of duty.

310. Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of Police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars.

Limitation of prosecutions for.

311. The penalties prescribed by the preceding section, or by that for the establishment of regulations of Police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently.

TRUSTEES TO SUE FOR PENALTIES.

Who to sue for penalties.

312. The Inspecting Trustee or in his absence or when he is the party complained of, one of the other Trustees, shall sue for all penalties incurred under the Regulations of Police herein established, before a Justice of the Peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be none such, then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and shall cause the penalty to

And before whom.

Conviction and levy of penalty.

to be levied by distress and sale of the goods of the offender, and to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the Trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the Trustees.

PUBLIC HEALTH.

313. The Trustees of every Police Village shall be Health Officers within the Police Village, under the Consolidated Statute for Upper Canada, respecting Public Health, and under any other Act that may be passed for the like purpose. Trustees to be Health officers.

POLICE REGULATIONS.

314. The Trustees of every Police village shall execute and enforce therein the regulations following : Regulations.

FIRE.

1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues ; Fires, Ladders, &c.

2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient ; Fire buckets.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance ; Furnaces, &c.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood work nearest thereto ; and the pipe of every stove shall be inserted into a chimney ; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood work, under a penalty of two dollars ; Stove pipes, &c.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, or with fire not properly secured, under a penalty of one dollar ; Lights in stables, &c.

Chimnies.

6. No person shall light or have a fire in a wooden house or outhouse unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar ;

Securing fire
carried through
streets, &c.

7. No person shall carry fire or cause fire to be carried into or through any Street, Lane, Yard, Garden or other Place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence ;

Fires in streets.

8. No person shall light a fire in a street, lane or public place, under a penalty of one dollar ;

Hay, straw,
&c.

9. No person shall place Hay, Straw or Fodder, or cause the same to be placed, in a dwelling house, under a penalty of one dollar for the first offence, and of five dollars for every week the Hay, Straw or Fodder is suffered to remain there ;

Ashes, &c.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders, in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar ;

Lime.

11. No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire ;

Charcoal fur-
naces.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars ;

GUNPOWDER.

Gunpowder.

13. No person shall keep or have Gunpowder for sale except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence ;

Gunpowder.

14. No person shall sell Gunpowder, or permit Gunpowder to be sold, in his house, storehouse or shop, outhouse or other building, at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence ;

NUISANCES.

Certain nui-
sances prohi-
bited.

15. No person shall throw or cause to be thrown any filth, or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week

week he neglects or refuses to remove the same after being notified to do so by the Inspecting Trustee, or some other person authorized by him.

ROADS, BRIDGES, DRAINS, WATERCOURSES.

WHAT CONSTITUTE HIGHWAYS.

315. All allowances made for roads by the Crown Surveyors in any Town, Township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, or any roads whereon the public money has been expended for opening the same, or whereon the Statute Labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to Law.

What shall constitute highways.

HIGHWAYS VESTED IN THE CROWN.

316. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to Law, shall be vested in Her Majesty, Her Heirs and Successors.

Highway, &c., vested in the Crown.

JURISDICTION OF MUNICIPALITIES.

317. Subject to the exceptions and provisions hereinafter contained, every Municipal Council shall have jurisdiction over the original allowances for Roads, Highways and Bridges within the Municipality.

Jurisdiction of Municipal Councils.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

318. No Council shall interfere with any Public Road or Bridge vested as a Provincial Work in Her Majesty or in any Public Department or Board, and the Governor shall by order in Council have the same powers as to such Road and Bridge as are by this Act conferred on Municipal Councils with respect to other Roads and Bridges; but the Governor may by Proclamation declare any Public Road or Bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case after a day named in the Proclamation, the Road or Bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the Road or Bridge shall thenceforth be controlled and kept in repair by the Council of the Municipality.

Roads under Board of Works not to be interfered with.

ROADS ON ORDNANCE LANDS.

Nor Ordnance
roads, lands,
&c.

Unless sanc-
tioned by the
Chief Engineer
Officer, &c.

319. No Council shall pass any By-law (1) for stopping up or altering the direction or alignment of any street, lane, or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates are vested under the Statute of this Province, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordnance and Admiralty lands transferred to the Province; (2) or for opening any such communication through land held by the said Principal Secretary of State, or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the said Secretary of State, or (4) interfering with any land reserved for Military purposes or with the integrity of the public defences, without a written consent signed by the Principal Officer of the War Department, acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such Principal Officer and to be acting under such authority, and a By-law for any of the purposes aforesaid shall be void unless it recites such consent, authority and certificate.

WHAT ROADS NOT TO BE CLOSED.

Council not to
close road re-
quired by indi-
viduals for
egress, &c.

320. No Council shall close up any public road or highway, whether an original allowance, or a road opened by the Quarter Sessions, or any Municipal Council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same.

NOT TO ENCROACH UPON HOUSES, &c.

Nor to en-
croach upon
houses, &c.

321. No Council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner.

WIDTH OF ROADS.

Width of roads.

322. No Council shall lay out any road or lane more than ninety nor less than thirty feet in width; but any road, when altered, may be of the same width as formerly.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT

PUBLIC ROADS.

What notice to
be given of

323. No Council shall pass a By-law for stopping up, altering, widening, diverting or selling any original allowance for

for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane :

By-laws intended to affect public roads.

1. Until written or printed notices of the intended By-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane ;

Publication.

2. And published weekly for at least four successive weeks in some newspaper (if any there be) published in the Municipality ; or if there be no such newspaper, then in a newspaper published in some neighbouring Municipality ;

The same.

3. Nor until the Council has heard, in person or by Council or Attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ;

Parties to be heard.

4. And the Clerk shall give such notices, at the request of the applicant for the By-law, upon payment of the reasonable expenses attendant on such notices.

Clerk to give the notice.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &c.

324. In case of disputes in any Municipality, concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a Municipal Council, the head of the Council may administer an oath or affirmation to any party or witness examined upon the matters in dispute.

Power to administer oaths in disputes respecting boundaries.

COMPENSATION FOR LANDS TAKEN.

325. Every Council shall make to the owners of real property entered upon, taken or used by the Corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act.

Owners of lands taken, to be compensated.

TITLES TO LAND OF INFANTS, &c., HOW ACQUIRED.

326. In the case of real property which a Council has authority under this Act to enter upon, take or use without the owner's consent, Corporations, Tenants in tail or for life, Guardians, Committee and Trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots,

Title to lands taken.

If there be no party who can convey.

idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof; in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the County in which such property is situate, may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes.

Where a party has a life interest only.

327. In case any party acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other Court having equitable jurisdiction in such cases, do in the mean time direct the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid or of any sum paid under the direction of such Court.

Sum awarded how to be applied.

Charges on the purchase money.

328. All sums agreed upon or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject.

JOINT JURISDICTION OVER ROADS.

Joint jurisdiction over certain roads.

329. In case a road or bridge lies wholly or partly between a county, town, city, township or incorporated village and an adjoining county, town, city, township or incorporated village, the Councils of the Municipalities between which the road or bridge lies, shall have joint jurisdiction over the same, although the road or bridge may so deviate as in some places to be wholly or in part within one or either of them.

Both Councils must concur in By-laws respecting them.

330. No By-law of the Council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a By-law has been passed in similar terms as nearly as may be, by the other of the Councils having joint jurisdiction in the premises.

Arbitration if they do not concur.

331. In case the other Council for six months after notice of the By-law omits to pass a By-law in similar terms, the duties and liabilities of each Municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act.

**POWERS OF TOWNSHIP, TOWN AND INCORPORATED VILLAGE
COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.**

332. The Council of every township, town and incorporated village may also pass By-laws :

By-laws re-
specting Sta-
tute Labour.

STATUTE LABOUR.

1. For empowering any person (resident or non-resident) liable to statute labour within the Municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labor ;

Voluntary
commutation.

2. For providing that a sum of money, not exceeding one dollar for each day's labor, may or shall be paid in commutation of such Statute labour ;

Compulsory
commutation.

3. For increasing or reducing the number of days' labor, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the Statute labor to which such persons are, in respect of the amounts at which they are assessed, or otherwise, respectively liable ;

Fixing number
of days' labour.

4. For enforcing the performance of Statute labor, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

Enforcing Sta-
tute Labour.

5. For regulating the manner and the divisions in which Statute labor or commutation money shall be performed or expended.

Regulating the
application of
labour and
commutation
money.

**POWERS OF ALL COUNCILS RESPECTING ROADS,
BRIDGES AND WORKS.**

333. The Council of every township, county, city, town and incorporated village may pass By-laws ;

By-laws res-
pecting roads.

GENERAL POWERS.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications, within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ;

Opening or
stopping up
roads, &c.

TOLLS.

2. For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same ;

To raise mo-
ney by toll.

FAST

FAST DRIVING ON BRIDGES.

To regulate driving on bridges.

3. For regulating the driving and riding on public bridges;

PITS AND PRECIPICES.

To make regulations as to pits, &c.

4. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers ;

ROAD ALLOWANCES.

For preservation of trees, stone, &c.

5. For preserving or selling timber, trees, stone, sand, or gravel, on any allowance or appropriations for a public road ;

When the Council may stop up or sell a road allowance.

6. For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the Council ; and in case such parties respectively refuse to become the purchasers at such price as the Council thinks reasonable, then for the sale thereof to any other person for the same or a greater price ;

PERMITTING ROAD AND BRIDGE COMPANIES TO PASS, &c.

Granting privileges to road or bridge Companies.

7. For regulating the manner of granting to Road or Bridge Companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the Council ;

TAKING STOCK IN.

Taking stock in, or making loans to such Companies.

8. For taking stock in, or lending money to, any such incorporated Road or Bridge Company, under and subject to the respective Statutes in that behalf ;

TOLLS ON, MAY BE GRANTED.

Granting right to take tolls, when.

9. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by By-law to be levied on the work for a period of not more than twenty-one years after the work has been completed and after such completion has been declared by a By-law of the Council authorizing tolls to be collected ; And the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair.

TAKING MATERIALS.

10. For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act.

Searching for and taking materials.

OLD ROAD ALLOWANCES.

334. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the Council of the Municipality upon the report in writing, of its Surveyor, or of a Deputy Provincial Land Surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the Council, useless to the public, and lies between lands owned by different parties the Municipal Council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes.

When a road is substituted for an original allowance.

Conveying of former road allowance.

Compensation to party, whose land is taken.

POSSESSION OF ROAD ALLOWANCES.

335. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a By-law has been passed for opening such allowance for road by the Council having jurisdiction over the same.

Original allowances for roads when to be deemed legally possessed till a By-law is passed for opening them.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-law for opening, &c., roads, &c., to require notice.

336. But no such By-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the Council, that an application will be made for opening such allowance.

AIDING COUNTIES IN MAKING ROADS AND BRIDGES.

By-laws for—

337. The Municipal Council of every Township, City, Town and Incorporated Village may pass By-laws :

Aiding Counties in making roads and bridges.

1. For granting to the County or United Counties in which such Municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such Municipality ;

Joint works with other Municipalities.

2. For entering into and performing any arrangement with any other Council in the same County or United Counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council.

HIGHWAYS IN CITIES, TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES.

Streets in Cities, Towns and Incorporated Villages how far vested in Municipalities.

338. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the Municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession or other road within the city, township or town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway, laid out by him without compensation therefor.

To be kept in repair by the Corporation, on pain of damages.

339. Every such road, street, bridge and highway shall be kept in repair by the Corporation, and the default of the Corporation so to keep in repair, shall be a misdemeanor punishable by fine in the discretion of the Court, and the Corporation shall be further civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained; and this Section shall not apply to any road, street, bridge or highway laid out without the consent of the Corporation by By-law, until established and assumed by By-law.

LOCAL IMPROVEMENTS OF STREETS.

By-laws for—

340. The council of every City, Town and Incorporated Village may also pass By-laws for the following purposes :

Local rates for pavements.

1. For assessing and collecting from the proprietors of real property, immediately benefited by making or repairing any pavement

pavement in any public way or place near to such property, such sums as may be necessary for so making or repairing the same ; but this subsection shall not apply to cities ;

2. For raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one half of the rateable property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the rateable property therein ; but the Council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid ;

Lighting,
watering and
sweeping
streets.

3. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication ;

Preventing ob-
structions in
streets.

4. For directing the removal of door steps, porches, railings or other erections or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found ;

Removal of
door steps, &c.

5. For surveying, settling and marking the boundary lines of all streets, roads and other public communications, and for giving names thereto and affixing such names at the corners thereof on either public or private property.

For making
the boundaries
of and naming
streets.

EXCLUSIVE JURISDICTION OVER ROADS.

COUNTIES.

WHAT ROADS.

341. The County Council shall have exclusive jurisdiction over all roads and bridges, lying within any Township of the County and which the Council by By-law assumes as a County road or bridge, until the By-law has been repealed by the Council, and over all bridges across streams separating two Townships in the County ; and over every road or bridge dividing different Townships, although such road or bridge may so deviate as in some places to lie, wholly or in part, within one Township :

Exclusive ju-
risdiction over
certain roads
by Counties.

TOWNSHIP BOUNDARY LINES.

1. All Township boundary lines not assumed by the County Council shall be opened, maintained and improved by the Township Councils ;

To be opened,
&c., by Town-
ship Councils.

If any Council fails to perform its duty.

2. Whenever Township Councils fail to maintain such roads in the same way as other Township roads by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such Councils to apply to the County Council to enforce joint action on all Township Councils interested ;

If all the Councils fail.

3. In cases where all the Township Councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the rate-payers resident on the lots bordering on either or both sides of such line to petition the County Council to enforce the opening up or repair of such lines of road by the Township Councils interested ;

Duty of County Council on petition.

4. It shall be the duty of a County Council receiving such petition, either from Township Councils or from rate-payers, as in the preceding subsection mentioned, to consider and act upon the same at the session at which the petition is presented ; It shall be the duty of the County Council to determine upon the amount which each Township Council interested shall be required to apply for the opening or repairs of such lines of road, or to direct the expenditure of a certain proportion of Statute labour, or both, as may seem necessary to make the said lines of road equal to other local roads ;

Commissioners to enforce order of County Council as to such roads.

5. It shall be the duty of the County Council to appoint a commissioner or commissioners to execute and enforce their orders or By-laws relative to such roads ; provided always, that if the representatives of any or all of the townships interested shall intimate to the Council or to the commissioner or commissioners so appointed, their intention to execute the work themselves—then such commissioner or commissioners shall delay proceeding for a reasonable time ; but if the work be not proceeded with during the favorable season, by the township officers, then the commissioners shall undertake and finish it themselves ;

Provide.

Payments to be made by Township Councils.

6. Any sum of money so determined upon by the County Council as the portion to be paid by the respective townships, shall be paid by the County Treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township, but if there be not at any time before the striking of a County rate any such moneys belonging to such township in the Treasurer's hands, an additional rate shall be levied by the County Council against such township sufficient to cover such advances ;

COUNTY BOUNDARIES.

Township boundaries, being also

7. Township boundary line roads forming also the county boundary lines and not assumed or maintained by the respective counties

counties interested, shall be maintained by the respective townships bordering on the same ;

County boundaries.

8. Whenever the several townships interested in the whole or part of any line road, are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such Township Councils may apply to the Wardens of the bordering counties to determine jointly the amount which each township shall be required to expend either in money or Statute labour, or both, and the mode of expenditure on such road ; the County Judge of the county in which the township first making the application is situate shall, in all cases, be the third arbitrator when such Wardens are unable to agree ;

When the several Townships interested cannot agree.

Wardens and County Judge to decide.

9. It shall be the duty of the Wardens of the Counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute ; the Warden of the County in which the Township first making the application is situated, shall be the convener of the meeting ; and it shall be his duty to notify the Warden of the other County and County Judge of the time and place of meeting, within eight days of the time of his receiving such application ;

Meeting of Wardens.

Who to convene, &c.

10. At such meeting, the Wardens and County Judge or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a Commissioner or Commissioners to superintend such work, and it shall be the duty of the Township Treasurer to pay the orders of such Commissioners to the extent of the sum apportioned to each ; and path-masters controlling the Statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such Commissioner or Commissioners in performing the Statute labour unexpended ;

What the Wardens and County Judge shall determine, &c.

11. Any County Council may assume, make and maintain any Township or County Line at the expense of the County, or may grant such sum or sums from time to time for the said purpose as they may deem expedient ;

County Council may assume the Road, &c.

12. It shall be the duty of County Councils to erect and maintain Bridges over Rivers forming Township or County Boundary Lines, and in the case of County Councils failing to agree on the respective portions of the expense to be borne by the several counties, it shall be the duty of each County Council to appoint arbitrators as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final.

Bridges over Rivers being boundaries.

ROADS ASSUMED TO BE MACADAMIZED.

Roads assumed
to be macada-
mized, &c.

342. When a County Council assumes by By-Law any Road or Bridge within a Township as a County Road or Bridge, the Council shall, with as little delay as reasonably may be, and at the expense of the County, cause the road to be planked, gravelled or macadamized, or the Bridge to be built in a good and substantial manner.

CERTAIN POWERS OF JUSTICES IN SESSIONS TRANSFERRED.

Certain powers
of Justices in
Sessions
transferred.

343. All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the Magistrates in Quarter Sessions, with respect to any particular Road or Bridge in a County, and not conferred or imposed upon any other Municipal Corporation, shall belong to the Council of the County, or in case the Road or Bridge lies in two or more Counties, to the Councils of such Counties; and the neglect and disobedience of any regulations or directions made by such Council or Councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations or directions of the Magistrates would have subjected them to.

GENERAL POWERS OF COUNTIES RESPECTING HIGHWAYS.

By-laws for—

344. The Council of every County shall have power to pass By-laws for the following purposes :

Sale of origina.
allowance, &c.,
for roads in
certain cases.

1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the County, which is subject to the sole jurisdiction and control of the Council, and not being within the limits of any Village, Town or City within or adjoining the County; but the By-law for this purpose shall be subject to the three hundred and twenty-third section of this Act;

Preventing fu-
rious driving.

2. For preventing immoderate riding or driving of horses or other cattle on the highways, whether Township or County highways;

Roads within
or between se-
veral Muni-
cipalities.

3. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more Townships, or between two or more Townships of the County, or between the County, and any adjoining County or City, or on the bounds of any Town or Incorporated Village within the boundaries of the County, as the interests of the inhabitants of the County in the opinion of the Council require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using
any

any land in any way necessary or convenient for the said purposes, subject to the restrictions hereinbefore contained ;

4. For protecting and regulating of Booms on any stream or river for the safe-keeping of timber, saw-logs and staves within the municipality ;

Protecting Booms.

TREES OBSTRUCTING HIGHWAYS.

5. For directing that, on each or either side of a highway passing through a wood, the trees, (unless they form part of an orchard or a shrubbery, or have been planted or reserved expressly for ornament or shelter,) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the Proprietor within a time appointed by the By-law, or, in his default, by the County Surveyor or other Officer in whose division the land lies ; and, in the latter case, for authorizing the trees to be used by the Overseer or other Officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the By-law into effect ;

May direct the trees to be cleared on each side of highways.

LOCAL RATES FOR SPECIAL IMPROVEMENTS.

6. For levying by Assessment on all rateable property within any particular part of one or parts of two Townships to be described by metes and bounds in the By-law, in addition to all other Rates, a sum sufficient to defray the expense of making, repairing or improving any Road, Bridge, or other public work, lying within one township or between parts of such two Townships, and by which the inhabitants of such parts will be more especially benefited ; provided that the provisions of this subsection shall not be held to apply to any road, bridge or other public work within the limits of any Town or incorporated Village Municipality ;

Local rates for special improvements.

7. But no such By-law, as referred to in the last preceding subsection, shall be passed, except—1. Upon a petition signed by at least two thirds of the Electors who shall be rated for at least one half of the value of the property within those parts of such Townships which are to be affected by the By-law ; 2. Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the By-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the Township and at the places for holding the sittings of the Council of each Township, whether it be within such parts or not, and also by inserting the same weekly for at least four weeks in some newspaper, if any there be published in the County, or if there is no such newspaper, then in a newspaper published in some adjoining County ;

Proceedings to obtain a By-law for.

Notice to be given.

AIDING TOWNSHIPS, &C., IN MAKING ROADS AND BRIDGES.

For aiding in making roads and bridges.

8. For granting to any Town, Township, or Incorporated Village in the County, aid, by loan or otherwise, towards opening or making any new Road or Bridge in the Town, Township or Village, in cases where the Council deems the County at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the Council in at once assuming the same as a County work.

TOWNSHIPS.

By-laws for—

345. The Council of every Township may pass By-laws:

AIDING COUNTIES IN MAKING ROADS.

Aiding County in making roads.

1. For granting to any adjoining County aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the Township and any other Municipality, and for granting like aid to the County in which the Township lies in respect of any highway, road, street, bridge or communication within the Township assumed by the County as a County work, or agreed to be so assumed on condition of such grant;

ORIGINAL ROAD ALLOWANCES.

Stopping up and sale of original road allowance.

2. For the stopping up and sale of any original allowance for road or any part thereof within the Municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed; but no such By-law shall have any force (1) unless passed in accordance with the three hundred and twenty-third section of this Act, nor (2) until confirmed by a By-law of the Council of the County in which the Township is situate at an Ordinary Session of the County Council, held not sooner than three months, nor later than one year next after the passing thereof;

TREES OBSTRUCTING HIGHWAYS.

Ordering trees to be cut down on each side of a road.

3. For directing that, on each or either side of a highway passing through a wood, the trees (unless they form part of an orchard or a shrubbery, or have been planted expressly for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the By-law, or, on his default, by the Overseer of Highways, or other Officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other Officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the By-law into effect;

4. For granting out of township funds any sum of money that may be necessary to pay for the cutting down and removing the timber in the third subsection mentioned ;

Granting money for that purpose.

5. For purchasing from the Government or any Corporation or person, at a price (in case of Crown Lands, to be fixed upon by the Governor in Council, and which price the Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such Corporation or person in any such township ; and such lands may be sold accordingly to the Corporation of any such township ;

Purchasing wet lands from Government.

6. The purchase and draining of such lands shall be one of the purposes for which any such Corporation may raise money, by loan or otherwise, or for which they may apply any of its funds not otherwise appropriated ;

Raising money for that purpose.

7. The Corporation of any such township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous.

Disposing of such land.

8. The proceeds of the sale of such lands shall form part of the general funds of the municipality.

Proceeds of sale.

WHEN ROADS IN VILLAGES OR HAMLETS MAY BE SOLD BY TOWNSHIP COUNCILS.

346. In case the Trustees of any Police Village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the Council of the Township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet not being a Police Village, is accompanied by a certificate from the Registrar of the County within which the Township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the Council may pass a By-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When roads in Police Villages may be sold by Township Councils.

347. The last section shall apply to a village or hamlet situate in two Townships whether such Townships are in the same or in different Counties, and in such case the Council of each of the Townships shall have the power thereby

When Village is partly in each of two townships.

thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such Township.

REGISTRATION OF BY-LAWS FOR OPENING ROADS ON PRIVATE PROPERTY.

By-laws under which Roads are opened on private property to be registered as to By-laws already passed.

348. All by-laws hereafter to be passed by any Municipal Council, under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road or highway has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of such by-law under the hand of the Municipal Clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such Quarter Sessions, given under the hand of the Clerk of the Peace (as the case may be).

RAILWAYS.

Municipal Councils may make By-laws:

349. The Council of every Township, County, City, Town and Incorporated Village may pass By-laws :

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

For taking stock in Railways or guaranteeing debentures;

1. For subscribing for any number of shares in the Capital Stock of or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated Railway Company to which the eighteenth Section of the Statute fourteenth and fifteenth Victoria, chapter fifty-one,—(the Railway Clauses Consolidation Act) or the Sections of the Consolidated Statute of Canada respecting Railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act :

For guaranteeing the payment of debentures, &c.

2. For endorsing or guaranteeing the payment of any Debenture to be issued by the Company for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the Municipality, a sufficient sum to discharge the debt or engagement so contracted;

3. For issuing, for the like purpose, Debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the Municipal Council may think meet ;

For issuing debentures.

4. For directing the manner and form of signing or endorsing any Debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively ; But no Municipal Corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid unless the By-law before the final passing thereof shall receive the assent of the Electors of the Municipality in manner provided by this Act.

Form of.

To be confirmed by Public vote.

350. Any Debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the By-law, shall be valid and binding on the Corporation without the corporate Seal thereto, or the observance of any other form with regard to the Debenture than such as may be directed in the By-law.

Debentures when valid without the corporate seal.

351. In case any Municipal Council subscribes for and holds stock in such company to the amount of twenty thousand dollars or upwards, the head of the Council shall be *ex officio* one of the directors of the company in addition to the number of directors authorized by the Special Act, and shall have the same rights, powers and duties as the other directors of the company.

Head when to be a Director.

352. The Council of every township may pass by-laws : for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the Corporation, or on highways, under such conditions as the Council sees fit, and subject to the restrictions contained in the Consolidated Railway Act, and any other Acts affecting such railway.

By-laws authorizing Branch Railways.

ARBITRATIONS.

353. In all cases of arbitration directed by this Act, the proceedings shall be as follows :

1. Each party shall appoint one arbitrator, and give notice thereof in writing to the other party ; and when the other party is a Corporation, the notice shall be given to the head of the Corporation ;

Mode of appointing Arbitrators and conducting arbitrations.

2. The two arbitrators appointed by or for the parties shall choose a third arbitrator ;

Third Arbitrator.

3. In case of an arbitration between townships or between counties, or between a county and a city, or between a county and town, if for one month after having received such notice, the

Provision in case of neglect to appoint.

the party notified omits appointing an arbitrator ; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships, the Warden of the county within which the townships are situate, or in case the arbitration is between counties, or between a county and a city or a town, the Governor in Council, may appoint an arbitrator for the party or arbitrators in default ;

In case of exercise of powers as to roads, drains, &c.

4. In case of an arbitration between a Municipal Corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the Corporation in regard to roads, streets or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the Council of his appointment of any arbitrator to determine the compensation to which such person is entitled, the head of the Council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intends to exercise with respect to the property (describing it) ;

If the owner of property fails to name an Arbitrator.

5. If within one month after service on the owner or owners of the property, of a copy of any By-law, certified to be a true copy under the hand of the clerk of the Council, the owner or owners omit naming an arbitrator and giving notice thereof as aforesaid, the Council or the head, if authorized by By-law, may name an arbitrator on behalf of the Council and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf ;

Time for appointing third arbitrator and for award.

6. In either of the cases provided for by the two preceding subsections the two arbitrators shall within seven days appoint a third arbitrator, and their award shall be made within one month after the appointment ;

County Judge to appoint in certain cases.

7. If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the Judge of the county court, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the Municipality in which the property in question is situate, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him ;

Appointments how to be made.

8. The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a Corporation, under the Corporate seal and authenticated in like manner as a By-law ;

9. The arbitrators on behalf of a Municipal Corporation, or Provisional Corporation, shall be appointed by the Council thereof, or by the head thereof, if authorized by a By-law of the Council ;

Head may appoint for Corporation.

10. In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in the above fourth subsection under a By-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof and some or one in another part thereof, and in case the By-law or any subsequent By-law provides that the claims of all should in the opinion of the Council be disposed of by one award, such persons shall have one month instead of seven days to agree upon and give notice of an arbitrator jointly appointed in their behalf, before the County Court Judge shall have power to name an arbitrator for them ;

Where many parties are interested in the same property.

11. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

Arbitrators to be sworn.

" I, (A. B.) do swear, (or affirm) that I will well and truly " try the matters referred to me by the parties, and a true and " impartial award make in the premises according to the " evidence. So help me God ;" Which oath or affirmation shall be filed with the papers of the reference ;

Form of oath.

12. In case the award relates to property to be entered upon, taken or used as mentioned in the said fourth subsection, and in case the By-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made except for the purpose of survey, or in case the By-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by By-law within six weeks after the making of the award ; and if the same is not so adopted, the original By-law shall be deemed to be repealed, and the property shall stand as if no such By-law had been made, and the Corporation shall pay the costs of the arbitration ;

Award to be binding in certain cases, must be adopted by By-law within a certain time.

13. In the case of any award under this Act which does not require adoption by the Council, or in case of any award to which a Municipal Corporation is a party and which is to be made in pursuance of a submission containing an agreement that the present subsection of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the Clerk of the Council for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly

Notes of the evidence adduced to be taken and filed in certain cases.

partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto;

Award to be made by at least two Arbitrators, and subject to Superior Courts.

14. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of Law or Equity as if made on a submission by a Bond containing an agreement for making the submission a rule or order of such Court; And in the cases provided for by the last preceding subsection, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the Court to require.

Powers of the Courts in such matters.

POUNDS AND POUND-KEEPERS.

By-laws as to pounds and cruelty to animals.

354. The Council of every Township, Town, City, and Incorporated Village, may respectively pass By-laws (not inconsistent with the Consolidated Statute of Canada relating to cruelty to animals):

PROVIDING POUNDS.

Pounds to be provided.

1. For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the Pound-keeper to impound;

ANIMALS RUNNING AT LARGE.

Animals running at large.

2. For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising damages done by.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Upper Canada or of the Municipality;

Compensation for impounding animals.

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act, with respect

respect to animals impounded or distrained and detained in the possession of the distrainer.

GENERAL PROVISIONS.

355. Until varied or other provisions are made by Act of Parliament, or by By-Laws of the Municipality, the following regulations shall be in force : Regulations respecting animals.

1. The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the regulations of the Municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such regulations ; Liability for damage done.

2. If not previously replevied, the Pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same ; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbours premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any justice of the peace, and fined such sum as the justice may direct ; What animals to be impounded.

3. When the common Pound of the Municipality or place wherein a distress has been made is not secure, the Pound-keeper may confine the animal in any inclosed place within the limits of the Pound-keeper's division within which the distress was made ; When the common pound is not safe.

4. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor without payment of any poundage-fees, on giving satisfactory security to the Pound-keeper for all costs, damages and poundage-fees that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage-fees, if such be demanded, and within twenty-four hours thereafter, deliver to the Pound-keeper duplicate statements in writing of his demands against the owner for damages (if any) not exceeding twenty dollars, done by such animal ; exclusive of such poundage-fees, and shall also give his written agreement (with a surety if required by the Pound-keeper) in the form following, or in words to the same effect : Statement of demand to be made to Pound Keeper by impounder.

" I,

Form of agree-
ment with
Pound-keeper.

"I, (or we, as the case maybe), do hereby agree that I, (or we) will pay to the owner of the (*describing the animal*) by me (A. B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A. B. proves to be illegal, or in case the claim for damages now put in by me the said A. B. fails to be established ;"

If the animal
be of a certain
kind.

5. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the Township for straying within his premises, such person, instead of delivering the animal to a Pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him ;

If the owner
be known.

6. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal ;

If unknown,
notice to
Township
Clerk.

7. If the owner be unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the Municipal Clerk a notice in writing of having taken up the animal, and containing a description of the color, age and natural and artificial marks of the animal, as near as may be ;

Duty of Clerk
thereon.

8. The Municipal Clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner ;

If the animals
are worth \$10
or over,

9. If the animal or any number of animals taken up at the same time, be of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a Newspaper in the County, if one is published therein, and if not, then in a Newspaper published in an adjoining County, and to be continued therein once a week for three successive weeks ;

Notice of sale.

When sale may
be made.

10. In case an animal be impounded, notices for the sale thereof shall be given by the Pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same ;

If animal is
not impounded,
but detained.

11. In case the animal be not impounded but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up ;

12. The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the Municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the Pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping;

Notice of sale unless redeemed.

13. Every Pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common Pound or in any open or close Pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water, and shelter, during the whole time that such animal continues impounded or confined;

Keeper to feed impounded cattle.

14. Every such person who furnishes the animal with food, water, and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises;

And may recover the value.

15. The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any By-law of the Municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of Pound Keepers' fees and charges that may be established by the By-laws of the Municipality;

In what manner such value may be recovered.

16. The Pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned;

Other mode of enforcing.

17. In case it be by affidavit proved before one of the Justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the Pound Keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any Pound-keeper but retained the same in his own possession, then, any Pound-keeper of the Township, may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices

Sale how effected, &c., and purchase money, how applied.

notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the Pound-keeper shall pay such surplus to the Treasurer or Chamberlain of and for the use of the Municipality ;

Disputes regarding such demand how determined.

18. If the owner within forty-eight hours after the delivery of such statements, as provided in the fourth subsection of this section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the Municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the Pound-keeper ;

Fence-viewers to view and appraise damage.

19. Such fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the Statutes or By-laws in that behalf at the time of the trespass ; and if it was a lawful fence then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the Pound-keeper a written statement signed by at least two of them of their appraisement, and of their lawful fees and charges ;

Penalty for neglect of duty by viewers.

20. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the Municipality, by summary proceeding before a Justice of the Peace upon the complaint of the party aggrieved, or the Treasurer or Chamberlain of the Municipality ;

Proceedings where viewers decide against the legality of a fence.

21. If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the Pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges be not paid, the Pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices ;

Liability of Pound-keeper

22. In case any Pound-keeper or person who impounds or confines or causes to be impounded or confined, any animal as aforesaid,

aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water, and shelter as aforesaid, he shall, for every day during which he refuses or neglects, forfeit a sum not less than one dollar nor more than four dollars ;

refusing to feed animal impounded.

23. Every fine and penalty imposed by this Act, may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any Justice of the Peace for the County, or of the Municipality, in which the offence was committed ; and, in default of payment, the offender may be committed to the Common Gaol, House of Correction, or Lock-up-House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting and committing justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the committal, be sooner paid ;

Recovery and enforcement of penalties.

Imprisonment in default of payment.

24. Upon the hearing of any information or complaint exhibited or made under this Act, any person (including the person giving or making the information or complaint), shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender ;

Who may be a witness.

25. When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner : one moiety to the city, town, village or township, in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice may seem proper ;

Application of penalties.

26. The Council of every county municipality in Upper Canada shall provide by By-law, that a sum not less than twenty dollars shall be payable as a reward to any person or persons who shall pursue and apprehend, or caused to be apprehended, any person or persons guilty of stealing any horse or mare within the said county, and such reward shall be paid out of the funds of the municipality on conviction of the thief, and on the order of the judge before whom the conviction is obtained ;

Reward for taking persons guilty of horse stealing.

27. The said reward shall not disqualify the person claiming the same or entitled thereto, from being a witness ;

Not to disqualify witness.

28. If any tree should be thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise

Provision, when a tree is thrown down across a line fence.

Proviso: entry to remove tree not to be a trespass, &c.

otherwise to make good any damage caused by the falling of such tree ; and on his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act ; provided always, that for the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing, and all disputes arising between parties relative to this subsection and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree.

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

CITIES TO BE COUNTIES, &C.

In what respect Cities to be Counties.

356. Every city and town separated, shall be a county of itself for municipal purposes, and for such judicial purposes as are herein specially provided for in the case of all cities, but for no other.

JUSTICES OF THE PEACE.

Heads of Councils, Mayors and Reeves to be Justices of the Peace.

357. The head of every council, the Police Magistrate of every city and town, and Reeve of every town, township and incorporated village, shall *ex officio*, be justices of the peace for the whole county, or union of counties, in which their respective municipalities lie ; and Aldermen in cities shall be Justices of the Peace in and for such cities.

Qualification and oaths of such persons as Justices of the Peace, when dispensed with

358. Justices of the Peace for any town, shall have the same property qualification and take the same oaths as other Justices of the Peace, but no Warden, Mayor, Recorder, Police Magistrate, Alderman or Reeve, after taking the oaths or making the declarations as such, shall be required to have any property qualification or to take any further oath to enable him to act as a Justice of the Peace.

When Towns become Cities, former Commissions of Peace to cease.

359. When a Town has been erected into a City and the Council of the City duly organized, every Commission of the Peace theretofore issued for the town, shall cease.

County Justices to have no jurisdiction in Cities, but Quarter Ses-

360. Justices of the peace for a county in which a city lies, shall as such have no jurisdiction over offences committed in the city, and the warrants of county justices shall require to be indorsed before being executed in a city, in the same manner

as required by Law when to be executed in a separate county ; but the general and adjourned quarter sessions of the peace for the county may be held and the jurisdiction thereof exercised in the city ; and any justice of the peace for the county may issue any warrant or try or investigate any case in a city when the offence has been committed in the county or union of counties in which such city lies, or which such city adjoins.

361. Nothing herein contained shall limit the power of the Governor to appoint under the Great Seal of the Province any number of Justices of the Peace for a town, or shall interfere with the jurisdiction of Justices of the Peace for the county in which a town having no Police Magistrate, is situate, over offences committed in the town.

Governor may appoint for Towns.

Jurisdiction of County Justices in certain Towns.

362. It shall not be necessary in any conviction made under any By-law of any Municipal Corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or By-law, under which the conviction is made, but all such convictions may be in the form given in the following Schedule :

What only shall be necessary in convictions under By-laws.

SCHEDULE.

PROVINCE OF CANADA, } BE IT REMEMBERED, Form.
County of , } that on the day of
To wit. } A. D. , at , in the County
of , A. B. is convicted before the undersigned,
one of Her Majesty's Justices of the Peace in and for the said
County, for that the said A. B. (*stating the offence, and time
and place, and when and where committed,*) contrary to a certain
By-law of the Municipality of the of , in
the said County of ; passed on the day of
A. D. , and intituled : (*reciting the title of
the By-law*) ; and I adjudge the said A. B., for his said offence,
to forfeit and pay the sum of , to be paid and applied
according to law, and also to pay to C. D., the complainant,
the sum of , for his costs in this behalf. And if the
said several sums be not paid forthwith, (*or on or before the
day of , A. D. , as the case may
be,*) I order that the same be levied by distress and sale of the
goods and chattels of the said A. B. ; and in default of sufficient
distress, I adjudge the said A. B. to be imprisoned in the
common Jail of the said county of (*or, in the public
Lock-up at ,*) for the space of days, unless
the said several sums, and all costs and charges of conveying
the said A. B. to such Jail *or* Lock-up,) shall be sooner paid.

Given under my hand and seal, the day and year first above
written, at , in the said county.

[L. S.]

J. M., J. P.

Compelling
witnesses to
attend, &c.

363. In prosecuting under any By-law, or for the breach of any By-law, witnesses may be compelled to attend and give evidence, in the same manner and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily under the Statutes now in force.

Jurisdiction of
Justices under
By-laws.

364. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any By-law of any Municipality in such county, where there is no Police Magistrate.

Mayor may
call out Posse.

Powers of

365. The Mayor of any city or town may call out the Posse to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so.

Heads of Coun-
cils to adminis-
ter oaths, &c.

366. The Head of every Council, or in his absence the Chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council.

POLICE OFFICE.

Police Offices
in Cities and
Towns.

367. The Council of every town and city shall establish therein a Police Office; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the Mayor of the town or city, shall attend at such Police Office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; and any Justice of the Peace having jurisdiction in a town may, at the request of the Mayor thereof, act in his stead at the Police Office; But except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by Proclamation for a Public Fast or Thanksgiving.

RECORDERS' COURTS AND POLICE MAGISTRATES.

RECORDERS' COURT.

Recorder's
Court in Cities.

Jurisdiction of.

368. There shall be in every city a Court of Record to be called the Recorder's Court of the City, and therein the Recorder alone, or assisted by one or more of the Aldermen, shall preside; or in the absence of the Recorder, or when there is no Recorder, the Police Magistrate or Mayor, (and in their absence one of the Aldermen elected by themselves) assisted by one or more Aldermen, shall preside; and the Court shall, as to crimes and offences committed in the city, and as to matters of civil concern therein, have the same jurisdiction and powers and use the like process and proceedings as Courts of Quarter Sessions of the Peace in counties.

RECORDERS AND POLICE MAGISTRATES.

369. The Recorder shall be a Barrister of Upper Canada, of not less than five years standing. Recorder, qualification of.

370. Every Recorder shall receive a salary of not less than one thousand dollars, and his salary shall be defrayed from and out of the Fee Fund from which the salary of County Judges are defrayed. Salary of Recorder.

371. All cities, and all towns having more than five thousand inhabitants may have a Police Magistrate, and the salaries of such Police Magistrates shall not be less than on the following scale: Police magistrate.

In Towns—Where the population is over five thousand and under six thousand, four hundred dollars per annum; where the population is over six thousand and under eight thousand, six hundred dollars per annum; where the population is over eight thousand, one thousand dollars per annum; Provided always, that every Police Magistrate appointed before the passing of this Act, in any town with a less population than five thousand shall not be affected by this section. Salary of Police Magistrate. Proviso.

In Cities—Twelve hundred dollars per annum, but any salary of a larger amount that is paid to any police magistrate at the time of the passing of this Act, shall be continued whilst such police magistrate remains in office. In Cities.

372. Every police magistrate shall hold office during pleasure. Tenure of office.

373. Every recorder and police magistrate shall *ex officio*, be a justice of the peace for the city or town for which he holds office, as well as for the county or union of counties in which the city or town is or was situate; but no other justice of the peace shall adjudicate in any case for any town or city where there is a police magistrate, except in the case of the illness, absence, or at the request of the police magistrate. Recorders and police magistrates to be J. P.'s *ex officio*.

THE CLERK.

374. The Clerk of the Council of every city or town or such other person as the Council of the city or town may appoint for that purpose, shall be the Clerk of the Police Office thereof, and perform the same duties and receive the same emoluments as Clerks of Justices of the Peace, and the City Clerk, or such other person as the Council of the city may appoint for that purpose, shall also be Clerk of the Recorder's Court, and shall perform the same duties, and receive the same emoluments as Clerks of the Peace; and in case the said Clerks or either of them, are or is paid by a fixed salary, the said emoluments shall Clerk of Police office; and his duties. Clerk of Recorder's Court fees or salary.

shall be paid by them or him to the municipality, and form part of its funds, and such Clerk shall be the officer of and under the police magistrate.

SESSIONS OF RECORDER'S COURT.

Sessions of
Recorder's
Court.

375. The Recorder's Court shall hold four sessions in every year and such sessions shall commence on the first Monday in the months of March, June and September, and on the third Monday in the month of December.

Jurors.

376. The panels of Grand Jurors shall consist of twenty-four persons, and the panels of the Petit Jurors of not less than thirty-six nor more than sixty persons; and all such persons shall be residents of the city, selected to serve as Jurors under the Laws relating to Jurors.

High Bailiff to
summon.

377. The High Bailiff of a city, not made a separate county for all purposes, shall ballot for and summon the jurors, under a precept signed by the Recorder, or by the Mayor, or the Alderman elected to act in the Recorder's place, in the manner appointed by the Laws relating to Jurors.

Costs of per-
sons acquitted
of misdemea-
nor.

378. On the acquittal of any person tried for misdemeanor in a Recorder's Court the presiding Officer shall, if the Court is satisfied that there was reasonable and probable cause for the prosecution, order the costs thereof to be taxed by the Clerk, and to be paid out of the City Funds.

EXPENSES OF RECORDER'S COURT.

Expenses of
criminal Jus-
tice in Recor-
der's Court
how paid.

379. The expenses of the administration of justice in criminal cases in the Recorder's Court shall be defrayed out of the Consolidated Revenue Fund, in like manner and to the like extent as the expenses attending the administration of justice in criminal cases in the several Courts of Quarter Sessions in Upper Canada.

INVESTIGATIONS BY RECORDER UNDER RESOLUTION OF CITY COUNCIL.

Investigation
by Recorder of
charges of mal-
feasance.

380. In case the Council of any city at any time passes a resolution requesting the Recorder of the city to investigate any matter to be mentioned in the resolution and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council or Officer of the Corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the city, or in case the Council of any city sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the city, or the conduct of any part of the public business thereof, and if the Council at
any

any time passes a resolution requesting the Recorder of the city to make the inquiry, the Recorder shall inquire into the same, and shall for that purpose have all the powers of Commissioners under the Consolidated Statute of Canada respecting inquiries concerning public matters and official notices, and the Recorder shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon.

To have powers under Consolidated Statutes of Canada, Cap. 13.

CITY DIVISION COURT.

381. The Governor may, by Letters Patent under the Great Seal, appoint the Recorder to preside over and hold the Division Court of that Division of the County which includes the city ; and in such case, as long as the Letters Patent remain unrevoked, the Recorder shall have the powers and privileges and perform the duties otherwise belonging to the County Court Judge as Judge of the Division Court, and during such period the authority and duties of the County Judge or Judge of such Division Court shall cease, except as in this Act provided.

Division Court may be held by Recorder.

382. The Governor in Council shall fix an annual salary to be paid to the Recorder for performing such duties, regard being had in fixing the same to the population resident within the jurisdiction of such Division Court, the amount accruing from the Court to the fee fund, the amount of the salary of the Recorder as such, and the amount of the salaries of the County Court Judges in Upper Canada, and the salary shall be subject to be altered, in the like way, and shall be paid out of the like fund and in the like manner as the salary of the County Judge in and for the county in which the city is situated.

Salary as Judge of Division Court.

383. While a Recorder is authorized to hold the Division Court, he shall not practise as a Barrister, Advocate, Attorney, Solicitor or Proctor in any Court of Law or Equity.

Recorder when not to practise at the Bar.

384. In case of the Recorder's illness or unavoidable absence, or absence by leave of the Governor while such Letters Patent are in force, the Judge of the County Court of the county in which the city lies, may officiate for the Recorder, as Judge of such Division Court, and in every other capacity pertaining to the office of the Recorder as Judge of such Division Court ; or the Recorder may, by an instrument in writing under his hand and seal, appoint a Barrister of Upper Canada to act for him as Judge of such Division Court, with like powers as aforesaid ; but no such appointment shall continue in force for more than one month unless renewed in like form.

Absence of Recorder provided for.

Appointment of Deputy.

385. Every such instrument shall contain a recital of the cause which renders the appointment therein contained necessary, and shall be executed in triplicate, and the Recorder shall file one of the triplicate originals in the office of the Clerk of such Division Court, and shall deliver or send to the person

Form of.

so named to officiate for him another thereof, and shall transmit the third to the Provincial Secretary for the information of the Governor.

Governor may supersede and substitute another.

386. The Governor may, by an instrument under his Privy Seal, annul any such appointment; and may, if he thinks fit, by the same instrument or any other instrument under his Privy Seal, appoint another Barrister of Upper Canada to act for the Recorder in the place of the Barrister appointed by the Recorder.

JURORS AND WITNESSES.

COMPETENCY.

Competency of Jurors and witnesses.

387. In any prosecution, suit, action or proceeding to which a Municipal Corporation is a party, no member, officer or servant of the Corporation shall, on account of his being such, be an incompetent witness, or be liable to challenge as a Juror.

EXEMPTIONS.

Exemptions of Citizens as Jurors.

Exception.

388. The inhabitants of a city, not a separate county for all purposes, shall be exempt from serving on juries, any other than the City Courts and Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the county in which the city is situate, and on trials at Bar before the Superior Courts of Common Law.

HIGH BAILIFFS AND CONSTABLES.

High Bailiffs and Constables.

389. The Council of every city shall appoint a High Bailiff, but may provide by by-law that the offices of High Bailiff and Chief Constable shall be held by the same person.

Chief Constable.

390. Until the organization of a Board of Police as hereinafter mentioned, the Council of the city or town shall appoint one Chief Constable for the municipality, and one or more Constables for each Ward, and the persons so appointed shall hold office during the pleasure of the Council.

Arrests by Constables for alleged breaches of the Peace (not within view) when sanctioned.

391. In case any person complains to a Chief of Police, or to a Constable or Bailiff in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of the breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or sitting Justice, such officer may, without

without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to law.

392. Until the organization of a Board of Police, every Mayor, Recorder and Police Magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the Chief Constable, or Constable of the town or city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended Officer deserving of dismissal, he shall, immediately after suspending him, report the case to the Council, and the Council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the Recorder and City Council respectively shall have the like powers as to the High Bailiff of a city.

Until a Board of Police is organized, Mayor &c., may suspend Chief Constable, &c., from office.

393. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor, Recorder or Police Magistrate, who suspended him, nor during such suspension shall he be entitled to any salary or remuneration.

Salary to be withheld during suspension.

BOARD OF POLICE.

OF WHOM COMPOSED.

394. In every city there is hereby constituted a Board of Commissioners of Police, and such Board shall consist of the Mayor, Recorder and Police Magistrate, and if there is no Recorder or Police Magistrate, or if the offices of Recorder and Police Magistrate are filled by the same person, the Council of the city shall appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require; And such Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties.

Board of Police; of whom composed.

Powers as to witnesses.

QUORUM.

395. A majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board.

A majority to constitute a quorum.

NUMBER OF THE POLICE FORCE.

396. The Police Force shall consist of a Chief Constable and as many Constables and other Officers and Assistants as the Council from time to time deems necessary, but not less in number than the Board reports to be absolutely required.

Number of Police to be determined by the Council.

APPOINTMENT OF POLICEMEN.

397. The members of the Police Force shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe to the following oath:

The Policemen to be appointed by the Board.

"I,

Their oath of office.

" I, A. B., do swear that I will well and truly serve our
 " Sovereign Lady the Queen, in the office of Police Constable
 " for the of without favour or affection,
 " malice or ill-will; and that I will to the best of my power
 " cause the peace to be kept and preserved, and will prevent
 " all offences against the persons and properties of Her
 " Majesty's subjects; and that while I continue to hold the
 " said office, I will, to the best of my skill and knowledge,
 " discharge all the duties thereof faithfully according to Law,
 " and that I will not connect myself with, or attend the meetings
 " of any secret society, while I am a member of the Police
 " Force for the said of . So help me God."

POLICE REGULATIONS.

Board to make Police Regulations.

398. The Board shall, from time to time, as they may deem expedient, make such regulations for the government of the Force and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties.

POLICE, SUBJECT TO THE BOARD, &C.

The Policeman to be subject to the Board.

399. The Constables shall obey all lawful directions, and be subject to the government of the Board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to Constables duly appointed.

Duties of.

REMUNERATION AND CONTINGENT EXPENSES.

Remuneration and contingent expenses.

400. The Council shall appropriate and pay such remuneration for and to the respective members of the force as shall be required by the Board of Commissioners of Police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the board may from time to time deem requisite and require for the payment, accommodation, and use of the Force.

COURT HOUSES AND PRISONS.

GAOLS AND COURT HOUSES.

County Council may pass By-laws for buildings.

401. Every County Council may pass By-laws for erecting, improving and repairing a Court House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same.

Gaols and Court Houses to be common to Counties and

402. The Gaol, Court House and House of Correction of the County in which a town or city, not separated for all purposes from a County, is situate, shall also be the Gaol, Court House,

House and House of Correction of the town or city ; and shall in the case of such a city continue to be so until the Council of the city otherwise directs ; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive and safely keep until duly discharged, all persons committed thereto by any competent authority of the town or city.

Cities, &c., not separated.

403. While a City or Town uses the Court House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or be settled by arbitration under this Act.

Compensation by City or Town how to be regulated and made.

404. In case after the lapse of five years from such compensation having been so agreed upon, or awarded, or having been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the Councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the Order.

When the amount may be revised.

405. The Council of every City may erect, preserve, improve and provide for the proper keeping of a Court House, Gaol, House of Correction and House of Industry upon lands being the property of the Municipality, and may pass By-Laws for all or any of such purposes.

City Councils may erect Court House, Gaol, Houses of Correction and House of Industry.

406. In case of a separation of a Union of Counties, all rules and regulations, and all matters and things in any Act of Parliament for the regulation of or relating to Court Houses or Gaols in force at the time of the separation, shall extend to the Court House and Gaol of the Junior County.

Upon separation, Gaol and Court House regulations to continue.

LOCK-UP-HOUSES.

407. The Council of every County may establish and maintain a Lock-up-House or Lock-up-Houses within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up-House, and may direct the payment of the salary out of the funds of the County.

Lock-up-houses may be established by County Council.

408. Every Lock-up-House shall be placed in the charge of a Constable specially appointed for that purpose, by the Magistrates of the County at a General Quarter Sessions of the Peace therefor.

A Constable to be placed in charge of.

Who liable to
confinement in,
&c.

409. Any Justice of the Peace of the County may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his County, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined and either dismissed or fully committed for trial to the Common Gaol, and until such person can be conveyed to such Gaol ; also the confinement in such Lock-up-House, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a Lock-up-House instead of the Common Gaol or other house of Correction, any person convicted on view of the Justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment: therefor under any Statute or Municipal By-law.

Expense of
conveying and
maintaining
prisoners.

410. The expense of conveying any prisoner to, and of keeping him in a Lock-up-House shall be defrayed in the same manner as the expense of conveying him to and keeping him in the Common Gaol of the County.

Previous Lock-
up houses to
continue.

411. Nothing herein contained shall affect any Lock-up-House heretofore lawfully established, but the same shall continue to be a Lock-up-House as if established under this Act.

Lock-up
houses for per-
sons sentenced
to short impris-
onment.

412. The Council of every City, Township, Town, and Incorporated Village may, by By-laws, establish, maintain and regulate Lock-up-Houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any By-law of the Council ; and of persons detained for examination on a charge of having committed any offence ; and of persons detained for transmission to any Common Gaol or house of Correction, either for trial or in the execution of any sentence ; and such Councils shall have all the powers and authorities conferred on County Councils in relation to Lock-up-Houses ; Two or more local Municipalities may unite to establish and maintain a Lock-up-House.

HOUSES OF INDUSTRY AND REFUGE.

County Coun-
cils may erect
and appoint
Inspectors of
Houses of
Industry.

413. The Council of every County, City or Town separated from a County may acquire an estate in landed property for an industrial farm, and shall, within two years after the passing of this Act, establish a House of Industry and a House of Refuge, and provide by By-law for the erection and repair thereof, and for the appointment, payment and duties of Inspectors, Keepers, Matrons and other servants for the superintendence, care and management of such Houses of Industry or Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same ; Provided always, that any two or more United Counties, or any two or more contiguous

Proviso : as to
united or conti-

contiguous Counties, having each a population of not more than twenty thousand inhabitants, may agree to have only one House of Industry for such united or contiguous Counties, but whenever such United Counties become separate Municipalities, or the population in any separate County shall exceed twenty thousand inhabitants, then, and in each of such cases, such County shall establish a House of Industry and Refuge within its own limits, and maintain and keep up the same in the manner herein provided.

guous Counties until separated, &c.

414. Any two of Her Majesty's Justices of the Peace, or of the Inspectors appointed as aforesaid, may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations and orders of the House :

Who liable to be committed thereto.

1. All poor and indigent persons who are incapable of supporting themselves ;

Indigent.

2. All persons without means of maintaining themselves and able of body to work and who refuse or neglect so to do ;

Idle.

3. All persons leading a lewd, dissolute, or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living ;

Lewd.

4. And all such as spend their time and property in public houses, to the neglect of any lawful calling ;

Frequenters of Public Houses.

5. And Idiots.

Idiots.

415. Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.

Punishment of refractory inmates.

416. The Inspector shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the County Council every year, or oftener when required by a By-law of the Council, and a copy thereof shall be presented to each Branch of the Legislature.

Inspectors to keep and render accounts of expenses, &c.

WORK-HOUSES.

417. The Council of every City and Town may respectively pass By-laws :

Work-houses
in Cities and
Towns and
Houses of Cor-
rection.

1. For erecting and establishing within the City or Town, or on such Industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof ;

Who liable to
be committed
thereto.

2. For committing and sending, with or without hard labour, to the work-house or house of correction, or to the Industrial farm, by the Mayor, Recorder, Police Magistrate or two Justices of the Peace for the City or Town respectively, such description of persons as may by the Council be deemed, and by By-law be declared expedient ; and such farm or ground held as aforesaid, shall, for the purposes in this subsection mentioned, be deemed to be within the City or Town and the jurisdiction thereof.

THE CARE OF GAOLS AND COURT HOUSES, &c.

Custody of
Gaols and
Court Houses.

418. The Sheriff shall have the care of the County Gaol, Gaol offices and yard, and Gaoler's apartments, and the appointment of the keepers thereof.

County Coun-
cil to appoint
keepers, &c.

419. The County Council shall have the care of the Court House and of all offices and rooms connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof ; and shall from time to time provide all necessary and proper accommodation for the Courts of Justice other than the Division Courts and for all officers connected with such Courts.

City Gaols to
be regulated by
By-law.

420. In any City not being a separate County for all purposes, but having a Gaol or Court House separate from the County Gaol or Court House, the care of such City Gaol or Court House shall be regulated by the By-laws of the City Council.

FALSE DECLARATIONS.

Wilful false de-
clarations to be
perjury.

421. The wilful and corrupt making of any false statement in any declaration required or authorized by this Act, shall be a misdemeanor punishable as wilful and corrupt perjury.

INTERPRETATION CLAUSE.

Interpretation
of words.

422. Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Act, the meanings hereinafter expressed, attach to the same, namely :

1. The word "Municipality" means any locality the inhabitants of which are incorporated under this Act, but it does not mean a Police Village ; Municipality.

2. The word "Council" means the Municipal Council or Provisional Municipal Council, as the case may be ; Council.

3. The word "County" means County, Union of Counties or United Counties, or Provisional County, as the case may be ; County.

4. The word "Township" means Township, Union of Townships or United Townships, as the case may be ; Township.

5. The words "Land" "Lands," "Real Estate" "Real Property," respectively, include lands, tenements and hereditaments and all rights thereto and interests therein ; Land, Real estate.

6. The words "Highway," "Road" or "Bridge," mean respectively a Public Highway, Road or Bridge ; Highway, road, &c.

7. The word "Electors" means the persons entitled for the time being to vote at Municipal Elections in the Municipality, Ward, or Electoral Division or Police Village, as the case may be ; Electors.

8. The term "Reeve" includes the Deputy Reeve or Deputy Reeves when there is a Deputy Reeve for the Municipality ; except in so far as respects the office of a Justice of the Peace. Reeve.

9. The words "next day" are not to apply to or include Sunday or Statutory Holidays. Next day.

CONFIRMING AND SAVING CLAUSES.

423. So much of the Schedules in either of the Municipal Corporations Acts of 1849 and 1850, as define the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten, and eleven, and Schedule C of the same Act numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen ; Exception from repeal.

And also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon or as are in force and remain to be acted upon at the time this Act takes effect, and all Proclamations, and special Statutes by or under which Cities and other Municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. Further exception.

Pending proceedings to continue.

424. All proceedings on behalf of or against any existing Municipal Corporation, or Police Trustees pending when this Act takes effect, shall be continued under this Act, in the name in which the same are then pending.

Past transactions confirmed.

425. All things lawfully done under former enactments, are confirmed, except any matter which has been or within one year after the passing of this Act, may be made the subject of proceedings at law or in equity.

Previous offences, penalties, &c., may be prosecuted and enforced.

426. All offences, neglects, fines, penalties, moneys, debts and other matters and things which immediately before this Act goes into effect might have been prosecuted, punished, enforced or recovered under any former Municipal Act, may be prosecuted, punished, enforced or recovered under this Act, in the same manner, within the same time, and in the same name, and by the same process and proceedings, as if the same respectively had been committed or incurred or had accrued or become due or payable immediately after the taking effect of this Act.

Commencement of this Act, and of certain provisions thereof.

427. This Act shall take effect on the first day of January next, (Anno Domini one thousand eight hundred and sixty-seven) save and except so much thereof as relates to the nominating of Candidates for municipal offices, and the passing of By-laws for dividing a municipality or any ward thereof into Electoral Divisions, and appointing Returning Officers therefor, which shall come into effect on the first day of November next, and also so much thereof as relates to the qualification of electors, which shall not take effect till the first day of September, one thousand eight hundred and sixty-seven.

Inconsistent enactments repealed.

428. All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Upper Canada, are hereby repealed.

Act limited to U. C.

429. This Act shall apply to Upper Canada only.

C A P . L I I .

An Act to amend the Act of the present Session, intituled: *An Act respecting the Municipal Institutions of Upper Canada.*

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Proviso added to Sec. 48.

1. The following Proviso is added to the forty-eighth section of the Act passed in the present Session of the Parliament of this

this Province, intituled : *An Act respecting the Municipal Institutions of Upper Canada :*

“ Provided also, that the provision in this section contained, shall not apply to any County where proceedings have been commenced or taken, previous to the passing of this Act, for separating such County.” The Proviso.

2. The subsections of section sixty-six of the said Act numbered three, four and five, and the sections numbered respectively sixty-seven, seventy-three (except the proviso), seventy-five, eighty-seven, one hundred and seventeen, one hundred and twenty, one hundred and fifty, the first paragraph of three hundred and seventy-one, and section four hundred and twenty-seven, of the said Act, are hereby repealed, and the following sections and subsections shall be and are hereby substituted in lieu of the said sections and subsections hereby repealed, and shall be taken and read as the said sections and subsections of the said Act. Certain sections and parts of sections repealed and others substituted.

Subsections to section 66.

3.—IN TOWNS.

The Council of every town shall consist of the Mayor, who shall be the head thereof, and of two councillors for every ward, and if the town has not withdrawn from the jurisdiction of the Council of the County in which it lies, then a Reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a Deputy Reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional Deputy Reeve. New Sub. Sect. 3, Sect. 66.

4.—IN INCORPORATED VILLAGES.

The Council of every incorporated village shall consist of one Reeve, who shall be the head thereof, and four Councillors, and if the village had the names of five hundred freeholders and householders on the last revised assessment roll, then of a Reeve, Deputy Reeve, and three Councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional Deputy Reeve instead of a Councillor. New Sub. Sect. 4 Sect. 66.

5.—IN TOWNSHIPS.

The Council of every township shall consist of a Reeve, who shall be the head thereof, and four Councillors, and if the township had the names of five hundred freeholders and householders on the last revised assessment roll, then the Council shall consist of a Reeve, Deputy Reeve, and three Councillors, and for every New Sub. Sect. 5 Sect. 66.

every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional Deputy Reeve instead of a Councillor.

New section
67.

67. No Reeve or Deputy Reeve shall take his seat in the County Council, until he has filed with the Clerk of the County Council a certificate under the hand and seal of the Township, Village or Town Clerk, that such Reeve or Deputy Reeve was duly elected, and has made and subscribed the declarations of office and qualification (unless exempted therefrom) as such Reeve or Deputy Reeve; nor in case of a Deputy Reeve, until he has also filed with the Clerk of the County an affirmation or declaration of the Clerk, or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred freeholders and householders in the Municipality for the first Deputy Reeve elected for such Municipality, and that no alteration reducing the limits of the Municipality and the number of persons possessing the same property qualifications as voters, within five hundred for each additional Deputy Reeve, since the said rolls were last revised, has taken place.

DISQUALIFICATION.

New section
73.

73. No judge of any Court of Civil Jurisdiction, no Gaoler or Keeper of a House of Correction, no Sheriff, Deputy Sheriff, High Bailiff or Chief Constable of any City or Town, Assessor, Collector, Treasurer, Chamberlain, or Clerk of any Municipality, no Bailiff of a Division Court, no Sheriff's Officer, no person not having paid all taxes due by him, no Inn-keeper or Saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the Corporation shall be qualified to be a member of the Council of any Municipal Corporation.

New section
75.

75. The Electors of every Municipality for which there is an Assessment Roll, and the Electors of every Police Village, shall be the male freeholders thereof, whether resident or not, and such of the householders thereof as have been resident therein for one month next before the election, who are natural born or naturalized subjects of Her Majesty, and of the full age of twenty-one years, and who were severally but not jointly rated on the last revised Assessment Rolls, for real property in the Municipality or Police Village, held in their own right or that of their wives, as proprietors or tenants, and who had paid all municipal taxes due by them on or before the sixteenth day of December next preceding the election; and such rating shall be absolute and final, and shall not be questioned either by any Returning Officer, or on any application to set aside any Election under this Act or any Act respecting the Municipal Institutions of Upper Canada.

87. The electors of every city shall elect three Aldermen for every ward, on the first Monday in January in the year one thousand eight hundred and sixty-seven, one of whom shall retire annually, in rotation, and on the first Monday in January in each year thereafter, shall elect one Alderman for each ward, in the room of the retiring member, unless chosen by acclamation on the day of nomination. New section . 87.

117. The necessary declarations of office and qualification may be administered to the members of the Council and Mayor elect in Cities and Towns by the Clerk thereof. New section . 117.

120. In case no return be made for one or more wards in consequence of non-election, owing to interruption by riot or other cause, the members of council elect, being at least a majority of the whole members of the Council when full, shall elect one of the Aldermen elect in cities, to be Presiding Officer, at which election the Clerk shall preside, and such officer shall take the necessary declarations and possess all the powers of Mayor, until a poll for such ward, wards, or electoral division or divisions, has been held under a warrant in the manner provided for in the one hundred and twenty-fifth section of this Act. New section . 120.

150. The Warden of a County may resign his office by verbal intimation to the Council while in session ; or by letter to the County Clerk, if not in session, in which case the Clerk shall notify all the members of the Council and shall, if required, by a majority of the members of the County Council, call a special meeting to fill such vacancy ; vacancies caused by the resignation of a Reeve or a Deputy Reeve shall be filled by an ordinary election as provided by section one hundred and twenty-five. New section . 150.

371. All Cities and all towns having more than five thousand inhabitants shall have a Police Magistrate, and the salaries of such Police Magistrates shall not be less than on the following scale : New first paragraph of section 371.

427. This Act shall take effect on the first day of January next (Anno Domini, one thousand eight hundred and sixty-seven) save and except so much thereof as relates to the nominating of candidates for municipal offices, and the passing of By-laws for dividing a municipality or any ward thereof into electoral divisions and appointing Returning Officers therefor, which shall come into effect on the first day of November next, and also so much thereof as relates to the qualification of electors and candidates shall not take effect till the first day of September, one thousand eight hundred and sixty-seven. New section 427.

3. Forthwith after the passing of this Act it shall be lawful for the Governor to cause such extra number of copies of the Governor may cause extra Municipal

copies of chapter 51 and of chapter 53 to be printed and distributed incorporating this Act with chapter 51.

Distribution of such copies.

Municipal Act, and the Assessment Act, to be printed, appending thereto a copious index to their provisions, as he may deem expedient; and he may cause any Acts or parts of Acts passed during the present session, which amend or affect in any way the provisions of the Municipal Act, to be incorporated with it, inserting them in their proper places in the said Municipal Act, and striking out of the latter any enactments repealed by or inconsistent with those so incorporated; and altering the number of the sections if need be; and a correct printed copy of the said Municipal Act with the amendments so incorporated, and attested under the signature of the Governor, and countersigned by the Provincial Secretary; and also a similarly attested copy of the Assessment Act passed during the present session, shall be deposited with the Clerk of the Legislative Council, and after such attestation and deposit, copies of the said Municipal Act as amended, and of the said Assessment Act, printed by the Queen's Printer, shall be held and deemed to have the same force and effect as the copies of this Act, and of the Acts amending the same, as passed during the present session; and the Queen's Printer shall distribute the extra copies of the volume containing such Acts and index, in the proportion of three copies to each Municipality in Upper Canada, and one copy to each Member of the Legislative Council and Assembly.

C A P . L I I I .

An Act to amend and consolidate the several Acts respecting the Assessment of Property in Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

PRELIMINARY PROVISIONS.

Short Title.

1. This Act may be cited as "The Assessment Act of Upper Canada."

Interpretation clause.

2. In this Act, the word "County," and the word "Township," include a Union of Counties or of Townships, as the case may be, while such Unions continue; The words "County Council," include "Provisional County Council," the word "Town," means "Incorporated Town," and the word "Village," means "Incorporated Village," the word "Ward," does not apply to a Township Ward,—and the words "Local Municipality," do not include Counties, unless there is something in the subject or context requiring a different construction.

Meaning of words Lands, &c.

3. The terms "Land," "Real Property," and "Real Estate," respectively, include all buildings or other things erected

erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty.

4. The terms "Personal Estate," and "Personal Property," include all goods, chattels, shares in incorporated companies, money, notes, accounts and debts at their full value, income and all other property, except land and real estate and real property as above defined, and except property herein expressly exempted.

Meaning of
Personal prop-
erty," &c.

5. The term "property" includes both real and personal property as above defined.

Meaning of
Property."

6. Unoccupied land owned by a person not resident, and not having a legal domicile or place of business in the Township, Village, Town or City where the same is situate, and who has not signified to the Assessor personally or in writing, that he owns such land and desires to be assessed therefor, shall be denominated "Lands of non-residents."

Unoccupied
land of persons
absent how
designated.

7. The real estate of all Railway Companies is to be considered as lands of residents although the Company may not have an office in the Municipality; except in cases where a Company ceases to exercise its corporate powers, through insolvency, or other cause.

In the case of
Railroad Com-
pany, &c.

PROPERTY LIABLE TO TAXATION.

8. All municipal, local or direct taxes or rates, shall, when no other express provision has been made in this respect, be levied equally upon the whole rateable property, real and personal, of the Municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular or in different proportions.

All taxes to be
levied equally
upon the rate-
able property,
where no other
provision made.

9. All land and personal property in Upper Canada shall be liable to taxation, subject to the following exemptions, that is to say:

What property
liable to taxa-
tion.

EXEMPTIONS.

Exemptions.

1. All property vested in or held by Her Majesty, or vested in any public body, or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province, and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity;

All property
belonging to
Her Majesty.

But if occupied
not officially.

2. When any property mentioned in the preceding subsection number one, is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable ;

Places of wor-
ship, &c.

3. Every place of worship, Church-yard or Burying ground ;

Public
Educational
Institutions.

4. The buildings and grounds of and attached to every University, College, incorporated Grammar School, or other incorporated Seminary of learning, whether vested in a Trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied ;

School House,
City Hall, &c.

5. Every Public School-house, Town or City or Township hall, Court-house, Gaol, House of correction, Lock-up House, and public Hospital, with the land attached thereto, and the personal property belonging to each of them ;

Public squares,
&c.

6. Every Public road and way or Public Square ;

Municipal pro-
perty.

7. The property belonging to any County, City, Town, Township or Village, whether occupied for the purposes thereof, or unoccupied ;

Provincial Pe-
nitentiary.

8. The Provincial Penitentiary, and the land attached thereto ;

Houses, &c.,
used for phi-
lanthropic pur-
poses.

9. Every Industrial Farm, Poor House, Alms House, Orphan Asylum, House of Industry, and Lunatic Asylum, and every house belonging to a Company for the reformation of offenders, and the real and personal property belonging to or connected with the same ;

Scientific In-
stitutions, &c.

10. The property of every Public Library, Mechanics' Institution, and other public, literary or scientific institution, and of every Agricultural or Horticultural society, if actually occupied by such society ;

Personal pro-
perty of Go-
vernor.

11. The personal property and official income of the Governor of the Province ;

Imperial Mili-
tary or Naval
pay, salaries,
pensions, &c.,
property of
officers on full
pay.

12. The full or half pay of any one in any of Her Majesty's Naval or Military services, or any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury or elsewhere out of this Province, and the personal property of any person in such Naval or Military services on full pay, or otherwise in actual service ;

Pensions under
\$200.

13. All pensions of two hundred dollars a year and under, payable out of the public moneys of this Province ;

14. The income of a farmer derived from his farm ; Income of Farmers.
15. So much of the personal property of any person, as is secured by a mortgage upon land or is due to him on account of the sale of land the fee or freehold of which is vested in him, or his secured by the debentures of the Province or of any Municipal Corporation thereof ; Personal property secured by mortgage, or municipal debentures.
16. The stock held by any person in any chartered bank, so long as there is a Special Tax on bank issues ; Bank stock, so long, &c.
17. The stock held by any person in any Railroad Company ; Railroad stock.
18. All property, real or personal, which is owned out of this Province ; Property owned out of the Province.
19. So much of the personal property of any person, as is equal to the just debts owed by him, except such debts as are secured by mortgage upon his real estate or may be unpaid on account of the purchase money therefor ; Personal property to amount of debts due.
20. The net personal property of any person, provided the same be under one hundred dollars in value ; Personalty under \$100.
21. The annual income of any person, provided the same does not exceed three hundred dollars ; Income under \$300.
22. The stipend or salary of any minister of religion ; Minister's salary under \$1200.
23. The annual official salaries of the officers and servants of the several Departments of the Executive Government and of the two Houses of Parliament resident at the seat of Government ; Official salaries at seat of Government.
24. Household effects of whatever kind, books and wearing apparel. Household effects, books, &c.

HOW RATES TO BE ESTIMATED.

10. In Counties, Cities, Towns, Townships and Villages, the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. How rates shall be calculated.
11. All Debentures heretofore issued by Municipal Corporations under any By-law, and based upon the yearly value of rateable property, at the time of passing such By-law, shall hold the order of priority which they now occupy, and each Municipal Corporation (having so issued debentures) shall levy a rate on the actual real value of the rateable property within the Municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the Assessment Roll for the year one thousand eight Priority of existing debentures ; how rates for paying them shall be calculated.

To be applied solely for such purposes.

eight hundred and sixty-six ; and such rates shall be applied solely to the payment of such Debentures, or interest on such Debentures, according to the terms of the By-law under which they were issued :

Rate for Sinking Fund.

2. In cases where a Sinking Fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied, as shall, at least, equal the sum originally intended to be set apart.

Rate of $\frac{1}{2}$ cent per \$, for paying debt to Consolidated Municipal Loan Fund.

12. In order to comply with the provisions of the Consolidated Municipal Loan Fund Act (Consolidated Statutes of Canada, chapter eighty-three), a rate of not less than one-third of a cent in the dollar upon the actual value of all rateable property, shall be levied by all Municipalities in Upper Canada indebted to the Municipal Loan Fund, unless a smaller rate would produce eight per cent upon the capital of the loan: Provided always, that if such rate of one-third of a cent in the dollar upon the actual value of rateable property, according to the assessment of any year, shall produce a less sum than five cents in the dollar, on the annual value of the property in the year one thousand eight hundred and fifty-eight, such a rate shall be levied, as will produce a sum equal to that produced by a rate of five cents in the dollar on the Assessment Rolls of the year one thousand eight hundred and fifty-eight.

Proviso ; If such rate be insufficient.

Estimates to be made, yearly.

13. The Council of every Municipality shall, every year, make estimates of all sums which may be required for the lawful purposes of the County, City, Town, Township, or Village, for the year in which such sums are required to be levied, each local Municipality making due allowance for the cost of collection and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected.

By-laws for raising money by rate.

14. The Council of every Municipality may pass one By-law, or several By-laws authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein, as the Council deem sufficient to raise the sums required on such estimates.

If the amount collected falls short.

15. If the amount collected falls short of the sums required the Council may direct the deficiency to be made up from any unappropriated fund belonging to the Municipality.

Or estimates may be reduced proportionably.

16. If there be no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them.

If sums collected exceed esti-

17. If the sums collected exceed the estimates, the balance shall form part of the General Fund of the Municipality, and be

be at the disposal of the Council, unless otherwise specially appropriated ; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object.

18. The taxes or rates imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year and ending with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or By-law under which the same are directed to be levied.

Yearly taxes to be computed from 1st January, unless otherwise ordered.

ASSESSORS AND COLLECTORS.

19. The Council of every Municipality, except Counties, shall appoint such number of Assessors and Collectors for the Municipality as they deem necessary.

Assessors and Collectors to be appointed.

20. And they may appoint to each Assessor and Collector the Assessment District or Districts therein, within which he shall act, and may prescribe regulations for governing them in the performance of their duties.

Municipality may be divided into Assessment Districts.

HOW ASSESSMENTS TO BE PROCEEDED WITH.

21. The Assessor or Assessors shall prepare an Assessment Roll, in which, after diligent enquiry, he or they shall set down according to the best information to be had :

Assessment-Roll to be prepared, its form, contents, &c.

1. The names and surnames in full, if the same can be ascertained, in alphabetical order, of all taxable persons resident in the Municipality who have taxable property therein, or in the District for which the Assessor has been appointed ;

Names of Residents.

2. And of all non-resident Freeholders who have, in writing, required the Assessor to enter their names and the land owned by them in the Roll ; and

Of Non-Residents.

3. The description and extent or amount of property assessable against each ;

Property.

4. And such particulars in separate columns as follows :

Further particulars.

Column 1.—The successive number on the roll ;

Column 2.—Name of taxable party ;

Column 3.—Occupation ;

Column 4.—To state whether the party is a Freeholder or Tenant by affixing the letter "F" or the letter "T," as the case may be ;

Column 5.—The age of the assessed party ;

Column 6.—Name and address of the owner, where the party assessed is a tenant only ;

Column

Column 7.—Number of Concession, name of Street or other designation of the local division in which the real property lies;

Column 8.—Number of Lot, House, &c., in such division;

Column 9.—Number of Acres, or other measures, shewing the extent of the property;

Column 10.—Number of acres cleared;

Column 11.—Value of each parcel of real property;

Column 12.—Amount of taxable income;

Column 13.—Value of personal property;

Column 14.—Total value and amount of real and personal property and taxable income;

Column 15.—Number of persons in the family of each person rated as a resident;

Column 16.—Number of cattle;

Column 17.—Number of sheep;

Column 18.—Number of hogs;

Column 19.—Number of horses;

Column 20.—Dogs;

Column 21.—Bitches;

Column 22.—To be headed "First-class Service Militia Roll;"

Column 23.—"Second-class Service Militia Roll;"

Column 24.—"Reserve Militia Roll."

Land to be assessed in the Municipality or Ward.

22. Land shall be assessed in the Municipality in which the same lies, and in the case of Cities and Towns, in the ward in which the properties lies, and this shall include the land of Incorporated Companies as well as other property, and when any business is carried on by a person or persons in two or more Municipalities, the personal property belonging to such person or persons shall be assessed in the Municipality in which such personal property is situated.

Personal property.

When Land to be assessed in owner's name.

23. Land occupied by the owner shall be assessed in his name.

If land not occupied by the owner, but owner is known.

24. As to land not occupied by the owner, but of which the owner is known, and who, at the time of the Assessment being made, resides or has a legal domicile or place of business in the Municipality, or who has signified by writing to the Assessor, that he owns the land and desires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against the owner and occupant if such occupant be any other person than the owner.

If owner non-resident and unknown.

25. If the owner of the land be not resident, then if the land is occupied, it shall be assessed in the name of and against the occupant and owner, but if the land be not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident.

If land assessed against owner

26. When land is assessed against both the owner and occupant, the Assessor shall place both names within brackets on

on the Roll, and shall write opposite the name of the owner the letter F, and opposite the name of the occupant the letter T, and both names shall be numbered on the Roll; provided always that no rate-payer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either or from any future owner or occupant, saving his recourse against any other person.

and occupant, taxes may be recovered from either or any future owner or occupant.

27. When the land is owned or occupied by more persons than one, and all their names are given to the Assessor, they shall be assessed therefor in the proportions belonging respectively to each, and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names given to the Assessor, saving the recourse of the persons whose names are so given against the others.

If land occupied by more owners than one.

28. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, unless there be a special agreement between the occupant and the owner to the contrary.

When tenants may deduct taxes from rent.

29. The Assessor shall write opposite the name of any non-resident Freeholder who requires his name to be entered on the Roll, in the Column No. 3, the letters "N. R.", and the address of such Freeholder.

Assessor to note non-residents if required, on the Roll.

30. Real and personal property, shall be estimated at their actual cash value as they would be appraised in payment of a just debt from a solvent debtor.

Property to be estimated at full value.

31. In assessing vacant ground or ground used as a Farm, Garden or Nursery, and not in immediate demand for building purposes in Cities, Towns or Villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year the assessors shall value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land may reasonably call for, and such vacant land though surveyed into building lots if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the Township in which the same may have been situated as the case may be; Provided that in such case the number and description of each lot comprising each such block shall be inserted on the Assessment Roll, and each lot shall be liable for a proportionate share as to value, and the amount of the taxes if the property is sold for arrears of taxes.

What shall be deemed vacant land, and how its value shall be calculated in cities, &c.

Proviso.

When not held
for sale, but
for gardens,
&c.

32. When ground is not held for the purposes of sale but *bona fide* inclosed and used in connection with a residence or building as a Paddock, Park, Lawn, Garden or Pleasure Ground, it shall be assessed therewith at a valuation which at six per centum would yield a sum equal to the annual rental, which in the judgment of the Assessors it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages.

Railway Com-
panies to trans-
mit annual
statements de-
scribing value of
their real prop-
erty to Clerk
of Municipali-
ty; and shall
be notified of
the amount at
which they are
assessed.

33. Every Railway Company shall annually transmit to the Clerk of every Municipality in which any part of the road or other real property of the Company is situate, a statement describing the value of all the real property of the Company, other than the roadway, and also the actual value of land occupied by the road in the Municipality, according to the average value of land as rated on the roll for the previous year in the locality, and the Clerk shall communicate the same to the Assessor; and the Assessor shall deliver at or transmit by post to any station or office of the Company, a notice of the total amount at which he has assessed the real property of the Company, in his Municipality or Ward, distinguishing the value of the land occupied by the road, and the value of the other real property of the Company and the statement shall be held to be the statement required by the forty-sixth section, and the notice required by the forty-ninth section of this Act.

NON-RESIDENT LANDS.

Land of non-
residents how
to be designat-
ed and describ-
ed on the As-
sessment Roll.

34. As regards the lands of non-residents, who have not required their names to be entered by the Assessor, the Assessors shall proceed as follows:

1. They shall insert such land in the Roll, separated from the other assessments, and shall head the same as "Non-residents' Land Assessments;"

2. If the land be not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description;

If the land be
known to be
subdivided into
lots.

3. If it be known to be subdivided into lots, or be part of a tract known to be so subdivided, the Assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts and if they can obtain correct information of the subdivisions, they shall put down in the Roll, and in a first column, all the unoccupied lots, by their numbers and names alone and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot it shall be sufficiently designated as such

by its name or number, but if it be part of a lot, the part shall be designated in some other way whereby it may be known.

MANNER OF ASSESSING PERSONAL PROPERTY.

35. If the net value of the personal property of any person is equal to any of the sums set down in the first column of the following scales, but is not equal to the larger sum set opposite to it in the second column, he shall be assessed for the smaller sum only—

Assessment
scale for per-
sonal property.

\$100 or more, but under	\$200
\$200 do. do.	\$400
\$400 do. do.	\$1,000
\$1,000 do. do.	\$2,000
\$2,000 do. do.	\$4,000
\$4,000 do. do.	\$10,000
\$10,000 do. do.	\$20,000
\$20,000 do. do.	\$40,000
\$40,000 do. do.	\$60,000
\$60,000 do. do.	\$80,000

and so forward, the sums thenceforth increasing by \$20,000.

36. No person deriving an income exceeding three hundred dollars per annum from any trade, calling, office, profession, or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past, but no deduction shall be made from the gross amount of such income, by reason of any indebtedness save such as shall equal the annual interest thereof, and such last year's income shall be held to be his net personal property, unless he has other personal property to a greater amount.

How persons
deriving income
from any trade
or profession
shall be assessed.

37. The personal property of an Incorporated Company shall not be assessed against the Corporation, but each Shareholder shall be assessed for the value of the stock or shares held by him, as part of his personal property, unless such stock is exempted by this Act; Provided always, that in Companies investing their means in Gas-works, Water-works, Plank and Gravel Roads, Manufactories, Hotels, Railways and Tram Roads, Harbours or other works requiring the investment of the whole or principal part of the stock in real estate already assessed for the purpose of carrying on such business, the shareholders shall only be assessed on the income derived from such investment.

Personal property of a Corporation Company not to be assessed.

Proviso :
as to certain
Companies.

38. The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

Personal property of partnerships how and where to be assessed.

As to partnerships having more than one business locality.

39. If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business, of the amount of personal property assessed against it elsewhere.

Where parties carrying on trade or business shall be assessed for personal property.

40. Every person having a Farm, Shop, Factory, Office or other place of business, where he carries on a trade, profession or calling, shall, for all personal property owned by him, wheresoever situate, be assessed in the Township, Village or Ward where he has such place of business at the time when the assessment is made.

If the party has two or more places of business.

41. If he has two or more such places of business in different Municipalities or Wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat, or if this cannot be done, he shall be assessed for part of his personal property at one and part at another of his places of business, but he shall in all such cases produce a certificate at each place of business of the amount of personal property assessed against him elsewhere.

If the party has no place of business.

42 If any person has no place of business he shall be assessed at his place of residence.

In case of executors, &c.

43 Personal property in the sole possession or under the sole control of any person as trustee, guardian, executor or administrator, shall be assessed against such person alone.

Separate assessment of joint owners or possessors.

44. In case of personal property owned or possessed by or under the control of more than one person resident in the Municipality or Ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only.

Parties assessed as Trustees, &c., to have their representative character attached to their names.

45. When a person is assessed as Trustee, Guardian, Executor or Administrator, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the same Municipality, be joined with him in such representative character.

Particulars respecting real property to be delivered to

46. It shall be the duty of every person assessable for real property in any Local Municipality, to give all necessary information to the Assessors, and if required by the Assessor or by one of

of the Assessors if there be more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself be absent), containing all the particulars respecting the real property assessable against such person which are required in the Assessment Roll; and if any reasonable doubt be entertained by the Assessor of the correctness of any information given by the party applied to, the Assessor shall require from him such written statement.

assessors in writing by the parties to be assessed.

Further information.

47. No such statement shall bind the Assessor, nor excuse him from making due enquiry to ascertain its correctness; and notwithstanding the statement, the Assessor may assess such person for such amount of real property, as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the Assessor has reason to believe that he is not entitled to be placed on the Roll, or to be assessed for such property.

Statements given by parties not binding on assessors.

48. In case any person fails to deliver to the Assessor the written statement mentioned in the preceding sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the Assessor, and upon conviction before a Justice of the Peace having jurisdiction within the County wherein the Municipality is situate, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace.

Penalty for not giving statement or making false statement.

49. Every Assessor, before the completion of his Roll, shall leave for every party named thereon, and resident or domiciled, or having a place of business within the City, Town, Village or Township, and shall transmit by post to every non-resident who shall have required his name to be entered thereon, and furnished his address to the Assessor, a notice of the sum at which his real and personal property has been assessed, according to schedule A.

Assessors to give notice to parties of the value at which their properties are assessed.

50. The Assessors shall make and complete their Rolls in every year between the first day of February, and such day, not later than the fifteenth day of April, as the Council of the Municipality appoints, and shall attach thereto a certificate signed by them respectively, and verified upon oath or affirmation, in the form following:

At what time the assessment roll shall be completed.

"I do certify that I have set down in the above Assessment Roll, all the real property liable to taxation, situate in the Township, Village or Ward of (*as the case may be*) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said Assessment Roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every

Certificate to be attached to roll.

"every party named in the said Roll ; and that I have estimated
 "and set down the same according to the best of my information
 "and belief; and I further certify that I have entered therein
 "the names of all the resident householders and freeholders,
 "and of all other freeholders who have required their names
 "to be entered thereon, with the true amount of property occu-
 "pied or owned by each, and that I have not entered the name
 "of any person whom I do not truly believe to be a householder,
 "tenant or freeholder, or the *bond fide* occupier or owner of the
 "property set down opposite his name, for his own use and
 "benefit."

Assessment
 roll to be de-
 livered up to
 Clerk of Muni-
 cipality.

To be open to
 inspection.

51. Every Assessor shall deliver to the Clerk of the Municipality the Assessment Roll completed and added up, with the certificates and affidavits attached ; and the Clerk shall thereupon file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the Householders and Freeholders resident or owning property in the Municipality.

COURT OF REVISION AND APPEALS.

If Council con-
 tain five Mem-
 bers only.

52. If the Council of the Municipality consists of not more than five members, such five members shall be the Court of Revision for the Municipality.

If of more
 than five.

53. If the Council consists of more than five members, such Council shall appoint five of its members to be the Court of Revision.

Three to be a
 quorum.

54. Three members of the Court of Revision shall be a quorum, and a majority of a quorum may decide all questions before the Court.

The Clerk—
 who to be.

55. The Clerk of the Municipality shall be Clerk of the Court and shall record the proceedings thereof.

Court may
 meet and ad-
 journ from time
 to time at
 pleasure.

56. The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the Head of the Municipality.

The Court may
 administer
 oaths and sum-
 mon witnesses.

57. The Court or some member thereof shall administer an oath to any party or witness, before his evidence can be taken, and may issue a summons to any witness to attend such Court.

Penalty on wit-
 nesses who re-
 fuse to attend.

58. If any witness so summoned fails to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty not exceeding twenty dollars, to be recoverable, with costs, by and to the use of the Municipality, in any way in which penalties incurred under any By-law thereof may be recovered.

59. At the times or time appointed, the Court shall meet and try all complaints in regard to persons being wrongfully placed upon or omitted from the roll, or being assessed at too high or too low a sum.

The Court to try complaints of wrongful assessment, &c.

60. All the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the Rolls finally revised by the court, before the first day of June in every year.

The Court to finish its business by the 1st June.

61. The proceedings for the trial of complaints shall be as follows :

Course of proceeding in the trial of complaints.

1. Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the Roll, or as having been undercharged or overcharged by the Assessor in the Roll, may, personally or by his agent, within fourteen days after the time fixed for the return of the Roll, give notice in writing to the Clerk of the Municipality, that he considers himself aggrieved for any or all of the causes aforesaid ;

Notice of complaint by party aggrieved.

2. If a Municipal elector thinks that any person has been assessed too low or too high or has been wrongfully inserted on or omitted from the Roll, the Clerk shall on his request in writing, give notice to such person and to the Assessor, of the time when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed ;

If an elector thinks a person has been assessed at too low or too high a rate.

3. The Clerk of the Court shall post up in some convenient and public place within the municipality or ward, a list of all complainants on their own behalf against the Assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the court will be held to hear the complaints, but no alteration shall be made in the Roll, unless under a complaint formally made according to the above provisions ;

Clerk to give notice by posting up list.

4. When it shall appear that there are palpable errors which need correction, the court may extend the time for making complaints, ten days further, and may then meet and determine the additional matter complained of, and the Assessor may for such purpose be the complainant ;

Extension of time for complaints.

5. Such list may be in the following form :

Form of notice.

Appeals to be heard at the Court of Revision, to be held
at on the day of 18 List.

Appellant.	Respecting whom.	Matter complained of.
A. B.	Self	Overcharged on land.
C. D.	E. F.	Name omitted.
G. H.	J. K.	Not <i>bona fide</i> owner or occupant.
L. M. &c.,	N. O. &c.	Personal property undercharged.

The Clerk to advertise.

6. The Clerk shall also advertise in some newspaper published in the City, Town, Village or Township, or if there be no such paper then in some newspaper published at the nearest place in the county at which one is published, the time at which the court will hold its first sitting for the year ;

To leave a list with the assessor.

7. The clerk shall also cause to be left at the residence of each assessor, a list of all the complaints respecting his roll ;

To prepare notice to person complained against.

8. The Clerk shall prepare a notice in the form following, for each person with respect to whom a complaint has been made :

Form.

Take notice that you are required to attend the Court of Revision at on the day of in the matter of the following appeal :

Appellant :

G. H.

Subject—That you are not a *bona fide* owner or occupant, (or as the case may be.)

(Signed,)

X. Y.

To J. K.

Clerk.

Service to be at residence.

9. If the person resides or has a place of business in the Local Municipality, the Clerk shall cause the notice to be left at the person's residence or place of business ;

In case of absences, how served.

10. Or if the person be not known then to be left with some grown person on the assessed premises, if there be any such person there resident, or if the person be not resident in the municipality, then the notice to be addressed to such person through the Post Office ;

Service to be six days.

11. Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sitting of the Court ;

Appearance and declaration of persons deeming themselves, or any person for whom they act, overcharged

12. If the party assessed complain in person, or by his agent of an overcharge on his personal property or taxable income, he, or his agent may appear before the court and make a declaration in the form following :—" I, A. B., do solemnly declare that the true value of all the personal property, (or amount of taxable income, as the case may be) assessable against me (or against

against me as Trustee, Guardian, Executor, &c., or against C. D., for whom I am agent, *as the case may be*) after deducting the just debts due by me (as such trustee, &c., or by C. D.) does not to the best of my knowledge and belief exceed the sum of dollars (*and if the declaration be made by an agent, add*) and that I have the means of knowing, and do know, the extent and value of the personal property (or the amount of income) assessable against C. D."—No abatement shall be made from the amount of income on account of debts due ; And the Court shall, thereupon, enter the person assessed at such an amount of personal property or taxable income, as is specified in the declaration, and no more ; and if any party makes a wilfully false statement in any such declaration, he shall be guilty of a misdemeanor, and shall be punished as for perjury ;

on personal property.

Effect of declaration.

Wilfully false declaration to be perjury.

13. In other cases the Court after hearing upon oath the complainant and the Assessor or Assessors and any witness adduced, shall determine the matter and confirm or amend the Roll accordingly ;

In other cases the Court to determine, &c.

14. If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

When to proceed *ex parte*.

62. The Roll, as finally passed by the Court, and certified by the Clerk, as so passed, shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll, except in so far as the same may be further amended, on appeal to the Judge of the County Court.

The roll as finally passed to bind all parties..

63. The Court shall also, before or after the first day of June, and with or without notice, receive and decide upon the Petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes, or who, by reason of any gross and manifest error in Roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged, and the Court may, subject to the provisions of any By-law in this behalf, remit or reduce the taxes due by any such person, or reject the Petition ; and the Council of any Local Municipality may, from time to time, make such By-laws, and repeal or amend the same.

Further powers granted to Court of Revision for remitting or reducing taxes.

APPEAL FROM THE COURT OF REVISION.

64. If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom,—in which case,

Parties dissatisfied with decision of Court of Revision may appeal to Judge of County Court, and in

1. He shall within three days after the decision, in person or by Attorney or Agent, serve upon the Clerk a written notice of

what manner
and on what
terms.

his intention to appeal to the County Judge in Counties, and in Cities to the Recorder ;

2. The Clerk shall, thereupon, give notice to all the parties appealed against, in the same manner as is provided for notice of complaints by the sixty-first section of this Act ;

3. The party appealing shall, at the same time and in like manner, give a written notice of his appeal to the Clerk of the Division Court or of the Recorder's Court (as the case may be,) for the District or Division within the limits of which the Municipality is situated, and shall deposit with him the sum of two dollars for each party appealed against as security for the costs of the appeal ;

Day for hear-
ing.

4. The Judge or Recorder (as the case may be) shall appoint a day for hearing the appeal ;

List of appel-
lants, &c.

5. The Clerk of the Division Court or of the Recorder's Court (as the case may be) shall cause a conspicuous notice to be posted up at the office of such Court, containing the names of all the appellants and the parties appealed against, together with the date at which a Court will be held to hear the appeal ;

Hearing and
adjournment,

6. At the Court so holden, the Judge or Recorder (as the case may be) shall hear the appeals, and may adjourn the hearing from time to time and defer the judgment thereon at his pleasure, so that a return can be made to the Clerk of the Municipality before the fifteenth day of July.

Appeals with
respect to non-
resident lands.

65. In case any non-resident whose land, within the limits of any Town, Incorporated Village or Township, has been or shall be assessed in any revised and corrected Assessment Roll, complains by petition to the proper Municipal Council, at any time before the first day of May in the year next following that in which the assessment is made, such Council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint ; All decisions of Municipal Councils under this Act may be appealed from, tried and decided as provided by the sixty-first section of this Act ; and if the lands shall be found to have been assessed twenty-five per cent. higher than similar land belonging to residents, the Council, Judge or Recorder shall order the taxes rated on such excess to be struck off ; in all such cases where the land has been subdivided into Park, Village, or Town lots, if the same are owned by the same person or persons, the statute labor tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act ; but no Roll shall be amended under this section of this Act if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of the sixtieth, sixty-first, sixty-second and sixty-third sections of this Act ; this clause shall

Reduction for
excess.

Lots sub-divi-
ded not to
affect Rolls
revised and cor-
rected.

Nor appeals

not

not affect the right of appeal against the assessment made prior to the year one thousand eight hundred and sixty-six, at any time before the land in question shall have been sold for taxes; if such lands should, during such appeal, be advertised for sale, the land shall be charged with all costs incurred, but no appeal shall be made after the issue of a warrant by the Treasurer or Chamberlain for the collection of taxes.

against former assessments, &c.

66. At the Court to be holden by the County Judge, Recorder or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having the charge of the Assessment Roll passed by the Court of Revision, shall appear and produce such Roll, and all papers and writings in his custody connected with the matter of appeal, and such Roll shall be altered and amended according to the decision of the Judge (if then given), who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied, or if the said Roll be not then produced or the decision be not then given by the Judge, such decision and judgment shall be certified by the Clerk of the Court to the Clerk of the Municipality, who shall forthwith alter and amend the roll according to the same, and shall write his name against every such alteration or correction.

Assessment Roll to be produced to the Court.

And amended according to the decision of the Judge.

Amendments how certified.

67. In all proceedings before the County Judge, Recorder or acting Judge of the Court, under or for the purposes of this Act, such Judge or Recorder shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, either in term time or vacation, in the same Court, in relation to any matter or suit depending in the said Court.

County Judge to have power to examine on oath, &c.

68. The cost of any proceeding before the Judge as aforesaid, shall be paid by or apportioned between the parties, in such manner as the Judge shall think fit, and costs ordered to be paid by any party claiming or objecting or objected to, or by any Assessor, Clerk of a Municipality, or other person, may be enforced by execution from the said Court, in the same manner as upon any ordinary judgment recovered in such Court.

Costs to be apportioned by the Judge, and how enforced.

69. The costs shall be taxed according to the Schedules of Fees under the Division Courts Act, as in suits for the recovery of sums exceeding forty and not exceeding sixty dollars in the said Courts.

By what scale of fees costs to be taxed.

70. The decision and judgment of the Judge, Recorder or acting Judge, shall be final and conclusive in every case adjudicated,

The decision of County Judge to be final.

adjudicated, and the Clerk of the Municipality shall amend the rolls accordingly.

Copy of roll to be transmitted to County Clerk.

71. When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of the municipality shall, without delay, transmit to the County Clerk a certified copy thereof.

COUNTY COUNCILS.

Assessment roll to be examined annually by Municipal Council of the County for the purpose of equalizing the valuation in the different municipalities for County Rates.

72. The Council of every county shall, yearly, before imposing any county rate, and not later than the first day of July, examine the Assessment Rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each township, town or village, for the current year, bears a just relation to the valuation so made in all such townships, towns and villages, and may for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per cent. as may, in their opinion, be necessary to produce a just relation between all the valuations of real and personal estate in the county, but they shall not reduce the aggregate valuation thereof for the whole county as made by the Assessors.

If Clerk of any Municipality omits sending copy of roll.

73. If the clerk of any municipality has neglected to transmit a certified copy of the Assessment Rolls, such neglect shall not prevent the County Council from equalizing the valuations in the several municipalities according to the best information obtainable, and any rate imposed according to the equalized assessment, shall be as valid as if all the Assessment Rolls had been transmitted.

Valuators to attest their report on oath.

74. In cases where valuers are appointed by the Council to value all the real and personal property within the county, they shall attest their report by oath or affirmation, in the same manner as Assessors are required to verify their rolls, by the one hundred and thirteenth section of this Act.

The apportionment of County rates to be based upon the assessment rolls of preceding year.

75. The Council of a County, in apportioning a County rate, among the different Townships, Towns and Villages within the County, shall, in order that the same may be assessed equally on the whole rateable property of the County, make the amount of property returned on the Assessment Rolls of such Townships, Towns, and Villages or reported by the Valuers as finally revised and equalized for the preceding year, the basis upon which the apportionment is made.

As to new Municipalities.

76. If a new Municipality be erected within a County, so that there are no Assessment or Valuers Rolls of the new Municipality for the next preceding year, the County Council shall,

shall, by examining the rolls of the former municipality or Municipalities of which the new Municipality then formed part ascertain to the best of their judgment what part of the Assessment of the Municipality or Municipalities had relation to the new Municipality and what part should continue to be accounted as the Assessment of the original Municipality, and their several shares of the County tax shall be apportioned between them accordingly.

77. When a sum is to be levied for County purposes, or by the County for the purposes of a particular Locality, the Council of the County shall ascertain, and by By-law direct, what portion of such sum shall be levied in each Township, Town or Village in such County or Locality.

County Council to apportion by By-laws, sums required for County purposes.

78. The County Clerk shall, before the fifteenth day of August in each year, certify to the Clerk of each Township, Town or Village in the County, the total amount which has been so directed to be levied therein for the then current year, for County purposes, or for the purposes of any such locality, and the Clerk of the Township, Town or Village, shall calculate and insert the same in the Collector's Roll for that year.

County Clerk to certify amounts to Clerks of Local Municipalities.

79. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interests on County Debentures whether such provisions be contained in any Municipal Corporations Act heretofore or still in force in Upper Canada, or any Act respecting the Consolidated Municipal Loan Fund in Upper Canada, or in any general or special Act authorizing the issue of Debentures, or in any by-law of the County Council providing for the issue of the same.

This Act not to affect provisions for rates to raise interest on County Debentures.

STATUTE LABOR.

80. No person in Her Majesty's Naval or Military Service on full pay or on actual service shall be liable to perform Statute Labour or to commute therefor.

Persons in Military Service exempt.

81. Every other male inhabitant of a City, Town, or Village, of the age of twenty-one years and upwards and under sixty years of age (and not otherwise exempted by law from performing statute labour) who has not been assessed upon the Assessment Roll of the City, Town or Village, or whose taxes do not amount to two dollars shall, instead of such labor, be taxed at two dollars yearly therefor, to be levied and collected at such time, by such person, and in such manner as the Council of the Municipality shall by by-law direct—and which person shall not be required to have any property qualification.

Who liable and in what ratio in towns and villages.

Collector.

82. No person shall be exempt from the tax in the last preceding section named by reason of his producing a certificate of his having performed statute labour or paid the tax elsewhere,

Where to be performed.

elsewhere, unless he was actually domiciled out of the limits of the City, Town, or Village at the time he so performed statute labour or paid the tax.

Liability of persons not otherwise assessed in townships.

83. Every male inhabitant of a Township between the ages aforesaid, who is not otherwise assessed to any amount (and who is not exempt by law from performing statute labour) shall be liable to one day of statute labour on the roads and highways in the Township, and no Council shall have any power to reduce the statute labour required under this section.

Ratio of service, in case of persons assessed.

84. Every person assessed upon the Assessment Roll of a Township shall, if his property is assessed at

not more than \$300, be liable to 2 days' statute labour.			
at more than \$300 but	not more than \$500.....	3	days.
do	500 do do 700.....	4	"
do	700 do do 900.....	5	"
do	900 do do 1200.....	6	"
do	1200 do do 1600.....	7	"
do	1600 do do 2000.....	8	"
do	2000 do do 2400.....	9	"
do	2400 do do 3200.....	10	"
do	3200 do do 4000.....	12	"
and for every \$1000 above \$4000..... 1 "			

Council may reduce or increase the number of days' proportionately.

Lots subdivided as park lots, &c.

But the council of any Township, by a By-law operating generally and rateably, may reduce or increase the number of days' labour to which all the parties rated on the Assessment Roll or otherwise shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed; in Townships where farm lots have been subdivided into Park or Village lots, and the owners are not resident and have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the Township Clerk in making out the list required under the ninety-third section of this Act when such lots are under the value of two hundred dollars, to a rate not exceeding one half per cent on the valuation, but the council may direct a less rate to be imposed by a general by-law affecting such village lots.

Commutation may be at \$1 per day.

85. The Council of any Township may by by-law direct that a sum not exceeding one dollar a day shall be paid as commutation of statute labor, in which case the commutation tax shall be added in a separate column in the Collector's Roll and shall be collected and accounted for like other taxes.

Commutation may be fixed at any sum not exceeding \$1.

86. Any local Municipal Council may, by a By-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding one dollar for each day's labour, and the sum so fixed shall apply equally to residents:

residents who are subject to statute labour, and to non-residents in respect to their property.

87. Where no such by-law has been passed, the statute labour in the Townships in respect of lands of non-residents shall be commuted at the rate of fifty cents for each day's labour.

If no By-law, commutation to be at fifty cents.

88. Any person liable to pay the sum named in the eighty-fifth section of this Act shall pay the same to the Collector to be appointed to collect the same within two days after demand thereof by the said Collector, and in case of neglect or refusal to pay the same, the Collector may levy the same by distress of his goods and chattels, with costs of the distress, and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the County in which the Local Municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of five dollars with costs, and in default of payment at such time as the convicting Justice shall order, shall be committed to the Common Gaol of the County and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs, and the costs of the warrant of commitment and of conveying the said person to gaol, shall be sooner paid.

Payment of tax in lieu of statute labour may be enforced by distress or imprisonment.

89. No non-resident who has not required his name to be entered on the Roll, shall be admitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value.

Non-residents when not admitted to perform statute labour.

90. In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour or pay commutation for the same, the Overseer of the Highways, in whose division he is placed, shall return him as a defaulter to the Clerk of the Municipality, before the fifteenth day of August, and the Clerk shall, in that case, enter the commutation for statute labour against his name in the Collector's Roll, and if at any time before the first day of May then next ensuing, the owner of any non-resident's land gives in writing to the County Treasurer, a list of the lands owned by him in the Municipality, and tenders to him the taxes in full on such land and the just commutation money as herein provided, he shall be liable to the commutation for statute labour, only upon the aggregate value of all the lands owned by him in each Local Municipality, but after the first day of May as aforesaid, no change shall be made in the commutation for statute labour charged against each separate parcel, in consequence of more than one parcel being owned by the same party.

If non-resident admitted but does not perform.

Amount of non-resident's statute labour.

COLLECTION OF RATES.

Clerk of the Municipality to make out a Collector's roll: its form and contents.

91. The Clerk of every City, Town, Village or Township, shall make a Collector's Roll or Rolls as may be necessary, on which he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and opposite the said assessed value as therein described of each respective party, he shall set down in one column to be headed "County rates," the amount for which the party is chargeable for any sums ordered to be levied by the Council of the County for County purposes, and in another column to be headed "Township," "Village," "Town," or "City rate," the amount with which the party is chargeable in respect of sums ordered to be levied by the Council of the Local Municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon Debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law or by the By-law imposing it, to be kept distinct and accounted for separately; every such last-mentioned rate shall be calculated separately, and the column therefor headed "Special Rate," "Local Rate," "School Rate," as the case may be.

How rates to be headed.

Provincial taxes to be assessed and collected in the same manner as local rates.

92. All moneys assessed, levied and collected under any Act by which the same are made payable to the Receiver General, or other Public Officer for the Public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected, in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the Collector's Rolls in separate columns, in the heading whereof shall be designated the purpose of the rate, and the Clerk shall deliver the roll, certified under his hand, to the Collector, on or before the first day of October, or such other day as may be prescribed by a By-law of the Local Municipality.

Clerk to make out another roll of lands of non-residents whose names are not in the assessment roll, and transmit it to County Treasurers or City Chamberlain.

93. The Clerk of every Local Municipality shall also make out a Roll, in which he shall enter the lands of non-residents, whose names have not been set down in the Assessor's Roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls, and he shall enter opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the Collector's Roll, and shall transmit the Roll so made out, certified under his hand to the Treasurer of the County in which his Municipality is situate, or to the City Chamberlain, as the case may be, on or before the first day of November.

COLLECTORS AND THEIR DUTIES.

94. The Collector, upon receiving his Collection Roll, shall proceed to collect the taxes therein mentioned. Duties of Collectors.

95. He shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the Local Municipality, in and for which such Collector has been appointed, and shall demand payment of the taxes payable by such person. Shall demand the payment of rates.

96. If any person whose name appears on the Roll be not resident within the Municipality, the Collector shall transmit to him by post, a statement and demand of the taxes charged against him in the Roll. By post in cases of non-residents.

97. In case any person neglects to pay his taxes for ten days after such demand as aforesaid, the Collector may by himself or by his agent, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the County in which the Local Municipality lies; the costs chargeable shall be those payable to Bailiffs under the Division Courts Act. If payment be not made, collectors to levy the tax by distress and sale. Costs.

98. In case of the land of non-residents, who have required their names to be entered on the Roll, the Collector after one month from the date of the delivery of the Roll to him, and after fourteen days from the time such demand as aforesaid has been transmitted to him by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof. When Collectors may distrain for rates on non-resident land.

99. The Collector shall, by advertisement, posted up in at least three public places in the Township, Village or Ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of sale, and of the name of the person whose property is to be sold; and at the time named in the notice, the Collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. Public notice of sale to be given: and in what manner.

100. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus be made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right, to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. Surplus, if unclaimed, to be paid to the party in whose possession the goods were.

Or to admitted claimant.

101. If any such claim be made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant.

If the right to such surplus be contested.

102. If the claim is contested, such surplus money shall be paid over by the Collector to the Treasurer or Chamberlain of the Local Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

Taxes not otherwise recoverable may be recovered by action.

Copy of Collectors' roll to be *prima facie* evidence of amount due.

103. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs as a debt due to the Local Municipality; in which case the production of a copy of so much of the Collector's Roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the Clerk of the Local Municipality, shall be *prima facie* evidence of the debt.

Collector to return his roll and pay over the proceeds by the day to be appointed by Municipal Council.

104. On or before the fourteenth day of December in every year, or on such day in the next year not later than the first of April, as the Council of the City, Town, Township or Village may appoint, every Collector shall return his Roll to the Treasurer or Chamberlain of his Municipality, and shall pay over the amount payable to such Treasurer or Chamberlain; specifying in a separate column on his Roll how much of the whole amount paid over is on account of each separate rate.

Another person may be employed to collect taxes which the collector does not collect by a certain day.

105. In case the Collector fails or omits to collect the taxes or any portion thereof, by the day appointed or to be appointed as in the last preceding section mentioned, the Council of the City, Town, Village or Township may, by resolution, authorize the Collector or some other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes, but no such resolution or authority shall alter or affect the duty of the Collector to return his Roll, or shall in any manner whatsoever invalidate or otherwise affect the liability of the Collector or his sureties.

Proceedings if any taxes are returned as unpaid.

106. If any of the taxes mentioned in the Collector's Roll remain unpaid, and the Collector be not able to collect the same, he shall deliver to the Chamberlain or Treasurer of his Municipality, an account of all the taxes remaining due on the roll; and in such account the Collector shall show, opposite to each assessment, the reason why he could not collect the same, by inserting in each case the words "non-resident" or "not sufficient property to distrain," as the case may be.

When collector to be credited for the amount.

107. Upon making oath before the Treasurer or Chamberlain that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to discover sufficient goods or chattels belonging to or in possession of

of the parties charged with or liable to pay such sums, whereon he could levy the same, or any part thereof, the Collector shall be credited with the amount not realized.

108. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it.

Taxes to be a lien upon land.

YEARLY LISTS OF LANDS GRANTED BY THE CROWN.

109. The Commissioner of Crown Lands shall in the month of February in every year, transmit to the Treasurer of every County, a list of all the land within the County, located as free grants, sold or agreed to be sold by the Crown, or leased, or in respect of which a license of occupation issued during the preceding year.

Lists of lands granted, &c., to be furnished annually to County Treasurer by Commissioner of Crown Lands.

110. The County Treasurer shall furnish to the Clerk of each Local Municipality in the County a copy of the said lists, as far as regards lands in such Municipality, and such Clerk shall furnish the Assessors respectively a statement shewing what lands in the said annual list are liable to assessment within such Assessor's Assessment District.

County Treasurer to furnish a copy of the list to the Clerks of local Municipalities.

COUNTY TREASURERS, LOCAL TREASURERS, CLERKS AND ASSESSORS.—THEIR DUTIES.

111. The Treasurer of every County in Upper Canada shall furnish to the Clerk of each municipality in the County, a list of all the lands in his Municipality, in respect of which any taxes shall have been in arrears for five years preceding the first day of January in any year; and the said list shall be so furnished on or before the fifteenth day of February in every year, and shall be headed in the words following: "List of lands liable to be sold for arrears of taxes in the year one thousand eight hundred and"; and for the purposes of this Act, the taxes for the first year of the five which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for five years, although the same may not have been placed upon a collection Roll until some month in the year, later than the month of January.

County Treasurer to furnish local clerks with lists of lands five years in arrears for taxes.

112. The Clerk of every Municipality in each County is hereby required to keep the said list, so furnished by the County Treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the Assessor or Assessors of the Municipality, each year, as soon as such Assessor or Assessors are appointed, a copy of such list; and it shall be the duty of the Assessor or Assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, and to notify such occupants and

Local clerks to keep the lists in their offices open to inspection, and give copies to assessors.

Duty of assessors, to notify occupants.

Lists to be returned.

As to towns and cities withdrawn from counties.

Assessors' certificate.

Form.

Local clerks to certify lands which have become occupied.

County treasurer to certify taxes due on them.

Clerk to insert such amount on Collector's Roll.

If there is not sufficient distress on such lands.

and also the owners thereof, if known and resident within the Municipality, upon their respective Assessment notices that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "occupied land parties notified," or "not occupied," as the case may be; all such lists shall be signed by the Assessor or Assessors and returned to the Clerk with the Assessment Roll, and the clerk shall file the same in his office for public use; and every such list, or copy thereof, shall be received in any Court as evidence in any case arising concerning the assessment of such lands; and the duties herein imposed upon the Treasurer of any County and the Clerk and Assessors of any Municipality, shall be performed by the Chamberlain or Treasurer and the Clerks and Assessors of Cities and Towns withdrawn from the jurisdiction of the Council of the County in which such Cities and Towns are situate.

113. All Assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

"I do certify that I have examined all the lots in this list named, and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known, and that all the entries relative to each lot are true and correct to the best of my knowledge and belief."

114. The Clerk of each Municipality shall, before the first day of May in each year, examine the Assessment Roll when returned by the Assessor, and ascertain whether any lot embraced in the said list last received by him from the County Treasurer, is entered upon the Roll of the year as then occupied; and the said clerk shall, on or before the first day of May in each year, furnish to the County Treasurer, a list of the several parcels of land which shall appear on the Resident Roll as having become occupied; and the said County Treasurer shall, on or before the first day of July in the then current year, return to the Clerk of each Municipality an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section one hundred and twenty-six of this Act; and the clerk of each Municipality shall in making out the Collector's Roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year, and such arrears shall be collected in the same manner, and subject to the same conditions as all other taxes entered upon the Collector's Roll.

115. If there shall not be sufficient distress upon any of the occupied lands in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well as the arrears as for the taxes of the current year, the Collector shall so return it in his Roll to the Treasurer of the Municipality, shewing the amount collected, if any, and the amount remaining

remaining unpaid, and stating the reason why payment has not been made.

116. The Treasurer of each local Municipality shall, within fourteen days after the time appointed for the return of the final settlement of the Collector's Roll, and before the eighth day of April in every year, furnish the County Treasurer with a statement of all arrears of taxes and school-rates collected in the said Collector's Roll or by School Trustees to be collected, such return to contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and lands of non-residents, which have become occupied, as required by section one hundred and twelve of this Act, and generally such other information as the County Treasurer may require and demand, in order to enable him to ascertain the tax chargeable upon any land in the Municipality for that year, and the County Treasurer shall not be bound to receive any such statement after the eighth day of April in each year.

Statement of arrears to be returned by local Treasurer to County Treasurer and when.

117. In case it shall be found by the statement directed by the last preceding section to be made to the County Treasurer, that there are arrears of taxes upon the occupied lands of non-residents, directed by the one hundred and fifteenth section of this Act to be placed on the Collector's Roll, or any part thereof, and any such lands are in arrear, such lands shall be liable to be sold for such arrears and shall be included in the next or any ensuing list of lands to be sold by the County Treasurer under the provisions of the one hundred and twenty-ninth section of this Act, notwithstanding that the same may be occupied in the year when such sale takes place, and such arrears shall not again be placed on the Collector's Roll for collection.

Liability of lands to sale if arrears are not paid : and when.

118. If the Clerk of any such Municipality shall neglect to preserve the said list of lands in arrears for taxes, furnished to him by the County Treasurer, or to furnish copies of such lists, as required, to the Assessor or Assessors, or shall neglect to return to the County Treasurer a correct list of the lands which have come to be occupied, as required by the one hundred and fourteenth section of this Act, and a statement of the balances which may remain uncollected on any such lots, as required by the one hundred and fifteenth section of this Act ; or if any Assessor or Assessors shall neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every Officer making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the County in which such Municipality is situated, be liable to the penalties imposed by sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of this Act ; all penalties so imposed to be recoverable by distress and sale of any goods and chattels of the party making default.

Penalty of local Clerk neglecting his duties under preceding sections and on assessors so neglecting.

How to be levied.

After such return local officers not to receive taxes.

119. After the Collector's Roll has been returned to the Treasurer of the Local Municipality, no more money or account of the arrears then due shall be received by any officer of the Municipality to which the Roll relates.

Collection of arrears to belong to Treasurer of County only.

120. The collection of the arrears shall thenceforth belong to the Treasurer of the County alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section one hundred and seventy-three of this Act.

The whole amount to be paid at once, unless the land is sub-divided.

121. The Treasurer shall not receive any part of the tax charged against any parcel of land unless the whole arrears then due be paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due, has been subdivided, he may receive the proportionate amount of the tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder, and the Treasurer may, in his books, divide any piece or parcel of land which may have been returned to him in arrear for taxes, into as many parts as the necessities of the case may require.

If demanded, Treasurer to give a written statement of arrears.

122. The Treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and for every additional ten lots, a further fee of twenty cents, but the Treasurer shall not make any charge for search to any person who forthwith pays the taxes.

Lands on which taxes remain unpaid to be entered in books kept for the purpose by the County Treasurer, &c.

Books to be made up and balanced yearly.

123. The Treasurer of every county shall keep a separate book for each local municipality, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the Collector's Roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall on the first day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

Proceedings where any land is found not to have been assessed in any year.

124. If at the yearly settlement to be made on the first day of May, it appears to the Treasurer that any land liable to assessment has not been assessed, he shall report the same to the Clerk of the Municipality, and the Clerk shall enter such land on the Collector's Roll of the current year, or on the roll of non-residents, as the case may be, as well as for the arrears omitted:

mitted of the year preceding only (if any) as for the tax of the current year; and the valuation of such land so entered, shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the Clerk shall require the Assessor or Assessors for the current year to value such lands, and it shall be the duty of the assessor or Assessors to value such lands when required, and certify the valuation in writing to the Clerk; the owners of such lands shall have the right to appeal to the Council at its next or some subsequent meeting after the taxes thereon have been demanded by the Collector, but within fourteen days after such demand, which demand shall be made by the Collector before the tenth day of November, and the Council shall hear and determine such appeal on some day not later than the first day of December.

How land shall be valued.

Appeal from valuation.

125. The County Treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the Clerk of any Municipality:

Treasurer to correct errors.

2. If any person produces to the Treasurer, in satisfaction of tax, any paper purporting to be a receipt of a Collector, School Trustee, or other town, village or township officer, he shall not accept such proof until he has received a report upon the same from the Clerk of the Municipality interested, certifying the correctness thereof.

As to pretended receipts, &c.

126. If at the balance to be made on the first day of May every year, it appears that there are any arrears due upon any parcel of land, the Treasurer shall add to the whole amount then due eight per cent. thereon.

Eight per cent to be added to arrears yearly.

127. Whenever the County Treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes, he shall issue a warrant under his hand and seal to the Collector of the Local Municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels and upon the land, in the same manner and subject to the same provisions as are contained in the sections from section ninety-seven to section one hundred and one of this Act, with respect to distresses made by Collectors.

If there be distress upon lands of non-residents, County Treasurer may authorize Collector to levy.

128. Unpatented land vested in or held by Her Majesty, which shall hereafter be sold or agreed to be sold to any person, or which shall be located as a free grant, shall be liable to taxation from the date of such sale or grant, and any such land which has been already sold or agreed to be sold to any person, or has been located as a free grant, prior to the first day of January, one thousand eight hundred and sixty-three, shall be held to have been liable to taxation since the first day of January, one thousand eight hundred and sixty-three, and all such lands shall be liable to taxation thenceforward under this

From what period unpatented land shall be liable to taxation.

Lists to be returned.

As to towns and cities withdrawn from counties.

Assessors' certificate.

Form.

Local clerks to certify lands which have become occupied.

County treasurer to certify taxes due on them.

Clerk to insert such amount on Collector's Roll.

If there is not sufficient distress on such lands.

and also the owners thereof, if known and resident within the Municipality, upon their respective Assessment notices that the and is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "occupied land parties notified," or "not occupied," as the case may be; all such lists shall be signed by the Assessor or Assessors and returned to the Clerk with the Assessment Roll, and the clerk shall file the same in his office for public use; and every such list, or copy thereof, shall be received in any Court as evidence in any case arising concerning the assessment of such lands; and the duties herein imposed upon the Treasurer of any County and the Clerk and Assessors of any Municipality, shall be performed by the Chamberlain or Treasurer and the Clerks and Assessors of Cities and Towns withdrawn from the jurisdiction of the Council of the County in which such Cities and Towns are situate.

113. All Assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

"I do certify that I have examined all the lots in this list named, and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known, and that all the entries relative to each lot are true and correct to the best of my knowledge and belief."

114. The Clerk of each Municipality shall, before the first day of May in each year, examine the Assessment Roll when returned by the Assessor, and ascertain whether any lot embraced in the said list last received by him from the County Treasurer, is entered upon the Roll of the year as then occupied; and the said clerk shall, on or before the first day of May in each year, furnish to the County Treasurer, a list of the several parcels of land which shall appear on the Resident Roll as having become occupied; and the said County Treasurer shall, on or before the first day of July in the then current year, return to the Clerk of each Municipality an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section one hundred and twenty-six of this Act; and the clerk of each Municipality shall in making out the Collector's Roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year, and such arrears shall be collected in the same manner, and subject to the same conditions as all other taxes entered upon the Collector's Roll.

115. If there shall not be sufficient distress upon any of the occupied lands in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well for the arrears as for the taxes of the current year, the Collector shall so return it in his Roll to the Treasurer of the Municipality, shewing the amount collected, if any, and the amount remaining

remaining unpaid, and stating the reason why payment has not been made.

116. The Treasurer of each local Municipality shall, within fourteen days after the time appointed for the return and final settlement of the Collector's Roll, and before the eighth day of April in every year, furnish the County Treasurer with a statement of all arrears of taxes and school-rates directed in the said Collector's Roll or by School Trustees to be collected, such return to contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, on lands of non-residents, which have become occupied, as required by section one hundred and twelve of this Act, and generally such other information as the County Treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the Municipality for that year, and the County Treasurer shall not be bound to receive any such statement after the eighth day of April in each year.

Statement of arrears to be returned by local Treasurer to County Treasurer and when.

117. In case it shall be found by the statement directed by the last preceding section to be made to the County Treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by the one hundred and fifteenth section of this Act to be placed on the Collector's Roll, or any part thereof, remain in arrear, such lands shall be liable to be sold for such arrears and shall be included in the next or any ensuing list of lands to be sold by the County Treasurer under the provisions of the one hundred and twenty-ninth section of this Act, notwithstanding that the same may be occupied in the year when such sale takes place, and such arrears shall not again be placed upon the Collector's Roll for collection.

Liability of lands to sale if arrears are not paid : and when.

118. If the Clerk of any such Municipality shall neglect to preserve the said list of lands in arrears for taxes, furnished to him by the County Treasurer, or to furnish copies of such lists, as required, to the Assessor or Assessors, or shall neglect to return to the County Treasurer a correct list of the lands which have come to be occupied, as required by the one hundred and fourteenth section of this Act, and a statement of the balances which may remain uncollected on any such lots, as required by the one hundred and fifteenth section of this Act ; or if any Assessor or Assessors shall neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every Officer making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the County in which such Municipality is situated, be liable to the penalties imposed by sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of this Act ; all fines so imposed to be recoverable by distress and sale of any goods and chattels of the party making default.

Penalty of local Clerk neglecting his duties under preceding sections and on assessors so neglecting.

How to be levied.

After such return local officers not to receive taxes.

119. After the Collector's Roll has been returned to the Treasurer of the Local Municipality, no more money on account of the arrears then due shall be received by any officer of the Municipality to which the Roll relates.

Collection of arrears to belong to Treasurer of County only.

120. The collection of the arrears shall thenceforth belong to the Treasurer of the County alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section one hundred and seventy-three of this Act.

The whole amount to be paid at once, unless the land is sub-divided.

121. The Treasurer shall not receive any part of the tax charged against any parcel of land unless the whole arrears then due be paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due, has been subdivided, he may receive the proportionate amount of the tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder, and the Treasurer may, in his books, divide any piece or parcel of land which may have been returned to him in arrear for taxes, into as many parts as the necessities of the case may require.

If demanded, Treasurer to give a written statement of arrears.

122. The Treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and for every additional ten lots, a further fee of twenty cents, but the Treasurer shall not make any charge for search to any person who forthwith pays the taxes.

Lands on which taxes remain unpaid to be entered in books kept for the purpose by the County Treasurer, &c.

Books to be made up and balanced yearly.

123. The Treasurer of every county shall keep a separate book for each local municipality, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the Collector's Roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall on the first day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

Proceedings where any land is found not to have been assessed in any year.

124. If at the yearly settlement to be made on the first day of May, it appears to the Treasurer that any land liable to assessment has not been assessed, he shall report the same to the Clerk of the Municipality, and the Clerk shall enter such land on the Collector's Roll of the current year, or on the roll of non-residents, as the case may be, as well as for the arrears

omitted

omitted of the year preceding only (if any) as for the tax of the current year; and the valuation of such land so entered, shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the Clerk shall require the Assessor or Assessors for the current year to value such lands, and it shall be the duty of the Assessor or Assessors to value such lands when required, and certify the valuation in writing to the Clerk; the owners of such lands shall have the right to appeal to the Council at its next or some subsequent meeting after the taxes thereon have been demanded by the Collector, but within fourteen days after such demand, which demand shall be made by the Collector before the tenth day of November, and the Council shall hear and determine such appeal on some day not later than the first day of December.

How land shall be valued.

Appeal from valuation.

125. The County Treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the Clerk of any Municipality :

Treasurer to correct errors.

2. If any person produces to the Treasurer, in satisfaction of a tax, any paper purporting to be a receipt of a Collector, School Trustee, or other town, village or township officer, he shall not accept such proof until he has received a report upon the same from the Clerk of the Municipality interested, certifying the correctness thereof.

As to pretended receipts, &c.

126. If at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the Treasurer shall add to the whole amount then due eight per cent. thereon.

Eight per cent to be added to arrears yearly.

127. Whenever the County Treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes, he shall issue a warrant under his hand and seal to the Collector of the Local Municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner and subject to the same provisions as are contained in the sections from section ninety-seven to section one hundred and one of this Act, with respect to distresses made by Collectors.

If there be distress upon lands of non-residents, County Treasurer may authorize Collector to levy.

128. Unpatented land vested in or held by Her Majesty, which shall hereafter be sold or agreed to be sold to any person, or which shall be located as a free grant, shall be liable to taxation from the date of such sale or grant, and any such land which has been already sold or agreed to be sold to any person, or has been located as a free grant, prior to the first day of January, one thousand eight hundred and sixty-three, shall be held to have been liable to taxation since the first day of January, one thousand eight hundred and sixty-three, and all such lands shall be liable to taxation thenceforward under this Act,

From what period unpatented land shall be liable to taxation.

Rights of the
Crown saved.

Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale or receipt for money paid on such sale, has or has not been, or shall or shall not be issued, and (in the case of sale or agreement for sale by the Crown) whether any payment has or has not been, or shall or shall not be made thereon, and whether any part of the purchase money is or is not overdue and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such lands.

When lands to
be sold for
taxes.

Arrears due
for five years
to be levied by
warrant of the
warden to the
Treasurer.

Proviso, as to
warrants issued
before 1st Jan.,
1867, to Sheriff
or High Bailiff.

129. Whenever a portion of the tax on any land has been due for and in the fifth year or for more than five years preceding the current year, the Treasurer of the County shall, unless otherwise directed by a by-law of the County Council, submit to the Warden of such County a list in duplicate of all the lands liable under the provisions of this Act, to be sold for taxes, with the amount of arrears against each lot set opposite to the same; and the Warden shall authenticate each of such lists by affixing thereto the seal of the Corporation, and his signature, and one of such lists shall be deposited with the Clerk of the County, and the other shall be returned to the Treasurer, with a warrant thereto annexed, under the hand of the Warden and the seal of the County, commanding him to levy upon the land for the arrears due thereon, with his costs; provided always, that where a warrant has been placed in the hands of the Sheriff or High Bailiff before the first day of January, one thousand eight hundred and sixty-seven, commanding him to collect arrears of taxes, he shall proceed with the collection thereof, under the provisions of the Acts in force before the passing of this Act; and in every case in which such collection is made by sale of any lands, the Sheriff or High Bailiff shall, in the event of the lands not being redeemed according to law, complete the sale by a deed of conveyance to the purchaser.

County Council,
&c., may
extend the
period for
payment.

130. The Council of a County, or of a City, or of a Town, withdrawn from the jurisdiction of a County, as the case may be, shall have power to extend the time for the payment of taxes beyond the term of five years, by by-law passed for that purpose.

Treasurer's
duty on receiving
warrant to
sell.

131. It shall not be the duty of the Treasurer of any County to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land, nor shall he be bound to inquire into or form any opinion of the value of the land; and if any tax in respect to any lands sold by the Treasurer after the passing of this Act, in pursuance of and under the authority thereof, shall have been due for the fifth year or more years preceding the sale thereof, and the same shall not be redeemed in one year after the said sale, such sale and the official deed to the purchaser of any such lands (provided the sale shall be openly and fairly conducted), shall

shall be final and binding upon the former owners of the said lands and upon all persons claiming by, through or under them, it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of five years, or redeem the same within one year after the Treasurer's sale thereof.

Deed to be binding on all, if land not redeemed in one year.

132. The Treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several Municipalities in the month of February preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of the one hundred and fourteenth section of this Act, except the lands, the arrears for which had been placed on the Collection Roll of the preceding year and again returned unpaid and still in arrears in consequence of insufficient distress being found on the lands.

What lands only the Treasurer shall sell.

133. The County Treasurer shall prepare a copy of the list of lands to be sold, required by section one hundred and twenty-nine of this Act, and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing lands as patented, unpatented or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Official Gazette* and once a week for thirteen weeks in some newspaper published within the county, or if none be so published, in some other newspaper published in some adjoining county.

County Treasurer to prepare list of land to be sold and advertise in *Gazette*.

134. The advertisement shall contain a notification that unless the arrears and costs are sooner paid, he will proceed to sell the lands for the taxes, on a day and at a place named in the advertisement.

Notice to be given in such advertisement.

135. The day of sale shall be more than ninety-one days after the first publication of the list.

Time of sale.

136. The Treasurer shall also post a notice similar to the said advertisement, in some convenient and public place at the Court House of the County, at least three weeks before the time of sale.

Notice to be posted up.

137. The Treasurer shall in each case add to the arrears published his commission and the cost of publication.

Expenses to be added to the arrears.

138. If at any time appointed for the sale of the lands, no bidders appear, the Treasurer may adjourn the sale from time to time.

Adjourning sale if no bidders.

139. If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the Treasurer shall sell by public auction

Mode in which the lands shall be sold by the Treasurer.

so much of the land as may be sufficient to discharge the taxes and all lawful charges incurred in and about the sale and the collection of the taxes; selling in preference such part as he may consider best for the owner to sell first; in offering such lands for sale it shall not be necessary to describe particularly the portion of the lot which shall be sold, but it shall be sufficient to say that he will sell so much of the lot as shall be necessary to secure the payment of the taxes due; the amount of taxes stated in the Treasurer's advertisement shall in all cases be held to be the correct amount due:

If the land does not sell for full amount of taxes.

2. If the Treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall, at such sale, give notice that he will, at an adjourned sale, on a day to be named, sell such lands for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same except upon payment to the County Treasurer of the full amount of taxes due, together with the expenses of sale; and the Treasurer shall account to the Local Municipality for the full amount of taxes that shall be paid.

If the Treasurer sells any land the fee of which is in the Crown, he shall only sell the interest of lessee or locatee.

140. If the Treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the Lessee or Locatee, and it shall be so distinctly expressed in the conveyance to be made by the Treasurer and Warden, and such conveyance shall give the purchaser the same rights in respect of the land as the original Lessee or Locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands.

If purchaser fails to pay purchase money.

141. If the purchaser of any parcel of land fails immediately to pay to the Treasurer the amount of the purchase money, the Treasurer shall forthwith again put up the property for sale.

Treasurer sell-ign to give purchaser a certificate of land sold.

142. The Treasurer after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold and describing the same, and also, stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further, stating that a Deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to the one hundred and thirty-ninth and one hundred and fortieth sections of this Act, will be executed by the Treasurer and Warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land be not previously redeemed.

Purchaser of lands sold for

143. The purchaser shall, on the receipt of the Treasurer's certificate of sale, become the owner of the land, so far as to have

have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not, knowingly, permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value; Provided that the purchaser shall not be liable for damage done without his knowledge, to the property, during the time the certificate is in force.

taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.

144. From the time of a tender to the Treasurer of the full amount of redemption-money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Effect of tender of arrears, &c.

145. Every Treasurer shall be entitled to two and one-half per cent. commission upon the sums collected by him as aforesaid.

Treasurer's commission.

146. Whenever land is sold by a Treasurer according to the provisions of the one hundred and thirty-third and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred.

Fees, &c., on sales of land.

147. The Treasurer shall in all Deeds given for land sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot, then by such a general description as may enable a Surveyor to lay off the piece sold on the ground, he may make search, if necessary, in the Registry Office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a Surveyor's description of such lots, to be taken from the Registry Office or the Government maps, where a full description cannot otherwise be obtained, such Surveyor's fee not to exceed one dollar; the charges so incurred shall be included in the account and paid by the purchaser of the land sold.

Expenses of search in Registrar's office, for description, &c.

148. Except as before provided, the Treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands.

Treasurer entitled to no other fees.

149. The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns or any other person may at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the County Treasurer, for the use and benefit of the purchaser or his legal representatives,

Owners may, within one year, redeem estate sold by paying purchase money and 10 per cent. thereon.

representatives, the sum paid by him, together with ten per cent thereon, and the Treasurer shall give to the party paying such redemption money, a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

Deed of sale if not redeemed.

150. If the land be not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of one dollar, the Treasurer shall prepare and execute with the warden and deliver to him or them, a Deed in duplicate of the land sold.

Contents of deed, and effect thereof: form B.

151. Such deed shall be in the form or to the same effect as in schedule B and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section one hundred and forty-seven of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, and no such Deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear or any error in describing the land as "patented or unpatented" or held under a license of occupation.

Registration of Deed.

152 The Registrar or Deputy Registrar of the County in which the lands are situated, upon production of the Duplicate Deed, shall enter the said Instrument in the Registry Book, and give a certificate of such entry and registration in accordance with the Act respecting Registrars and Registry Offices in Upper Canada, Chapter twenty-four of the twenty-ninth Victoria.

On what certificate Registrars of Counties to register Sheriff's deeds of lands sold for taxes before 1851.

153. As respects land sold for taxes before the first day of January one thousand eight hundred and fifty-one, on the receipt by the Registrar of the proper County or place, of a certificate of the sale to the purchaser under the hand and seal of office of the Sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the Sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the Sheriff to the purchaser, his heirs, executors, administrators or assigns, such Registrar shall register any Sheriff's Deed of land sold for taxes before the first day of January, one thousand eight hundred and fifty-one, and the mode of such Registry shall be the entering on record a transcript of such Deed of conveyance.

154. As respects land sold for taxes since the first day of January one thousand eight hundred and fifty-one, and prior to the first day of January one thousand eight hundred and sixty-six, the Sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the Deed, containing the particulars in the last section mentioned ; and such certificate for the purpose of registration in the Registry Office of the proper County of any deed of land sold for taxes since the first of January, one thousand eight hundred and fifty-one, shall be deemed a memorial thereof, and the deed shall be registered, and a certificate of the registry thereof, shall be granted by the Registrar on production to him of the deed and certificate, without further proof ; and the Registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more.

The Sheriff to give certificate of execution of conveyances since 1st January, 1861, for registration.

155. The Treasurer shall enter in a book, which the County Council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall together with all copies of Collector's Rolls and other documents relating to non-resident lands, be by him kept amongst the records of the County.

Treasurer to enter in a book description of lands conveyed to purchaser by him.

156. Whenever lands shall have been or may be hereafter sold for arrears of taxes, and the Sheriff or Treasurer as the case may be shall have given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold, within four years after the passing of this Act, when the land was sold and a Deed given by the Sheriff before the passing of this Act or within four years from the giving of such Deed when such sale shall take place or Deed be given after the passing of this Act.

Deed valid against all parties if not questioned within a certain time.

157. The Council may by By-law direct that all the moneys received by the County Treasurer on account of taxes on non-resident lands, shall be paid at stated periods to the several local municipalities to which such taxes were due, or shall constitute a distinct and separate fund, to be called the "Non-resident Land Fund" of such County.

Non-resident Land Fund established in each County, and of what it shall consist.

158. The Treasurer shall, when such fund may have been created, open an account for each Local Municipality with the said fund.

Treasurer to open an account for.

159. If two or more Local Municipalities, having been united for municipal purposes, be afterwards disunited, or if a Municipality or part of a Municipality be afterwards added to or detached from any County, or to or from any other Municipality, the Treasurer shall make corresponding alterations in his

Counties united and afterwards disunited.

his books, so that arrears due on account of any parcel or lot of land at the date of the alteration shall be placed to the credit of the Municipality, within which the land after such alteration is situate; and if a union of Counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the Provisional Council of the Junior County, shall be returned to and collected by the Treasurer of the United Counties, and not by the Provisional Treasurer, and the Treasurer of the United Counties shall open an account forthwith for the Junior County with the Non-Resident Land Fund.

If any union be about to be dissolved.

New municipalities partly in one County and partly in another.

160. In cases where a new Municipality shall be formed partly from two or more Municipalities situate in different Counties, the collection of non-resident taxes due at the time of formation, shall remain in the hands of the Treasurer of the respective Counties formerly having jurisdiction over the respective portions of territory forming the new Municipality, and the respective Treasurers shall keep a separate account of such moneys, and pay the same to the new Municipality; and where a new Municipality shall be formed from two or more Municipalities situate in any one County, the Treasurer shall, in like manner, keep a separate account for such new Municipality.

All arrears to form one charge upon the lands subject to them, &c.

161. The Treasurer of the County shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land.

Deficiencies in certain taxes to be supplied by the Municipality.

162. Every Local Municipal Council in paying over any school or local rate, or its share of any County rate or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the general funds of the Municipality, any deficiency arising from the non-payment of the taxes, but shall not be held answerable for any deficiency arising from abatements of, or inability to collect the tax on personal property.

Money from Land Fund how appropriated.

163. All sums which may at any time be paid to a Municipality out of the Non-Resident Land Fund of the County, shall form part of the general funds of such Municipality.

Debentures may be issued on the credit of the non-resident Land Fund.

164. The Council of the County may from time to time, by by-law, authorize the warden to issue, under the Corporate Seal, upon the credit of the Non-resident Land Fund, Debentures payable not later than eight years after the date thereof, and for sums not less than one hundred dollars each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all the arrears then due and accruing upon the lands in the County, together with such other sums as may be in the Treasurer's hands, or otherwise invested to the credit of

of the said fund ; all Debentures issued by the County shall be in the exclusive custody of the Treasurer, who shall be responsible for their safety until their proceeds are deposited with him.

Who to have charge of them

165. Such debentures shall be negotiated by the Warden and Treasurer of the County, and the proceeds shall be paid into the said fund, and the interest on the said debentures, and the principal when due, shall be payable out of such fund ; Provided always that the purchaser shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof.

By whom to be negotiated.

Proviso.

166. If at any time there be not, in the Non-Resident Land Fund, where such Fund may have been created, money sufficient to pay the interest upon a Debenture or to redeem the same when due, such interest or Debenture shall be payable out of the general County funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other County Debentures.

Payment of interest on such debentures provided for.

167. The Council of the County may, from time to time, pass by-laws apportioning the surplus moneys in the Non-Resident Land Fund amongst the Municipalities rateably, according to the moneys received and arrears due on account of the non-resident lands in each Municipality ; but such apportionment shall always be so limited that the Debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund.

Surplus of the Non-resident Land Fund to be divided among Municipalities.

168. The Treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof, as the County Council by by-law may direct.

Treasurer's percentage or salary how paid.

169. The County Treasurer shall prepare and submit to the County Council, at its first session in January in every year, a report, certified by the Auditors, of the state of the non-resident Land Fund.

Annual statement of the said fund, to be submitted to the County Council.

170. The said Report shall contain an account of all the moneys received and expended during the year ending on the thirty-first of December next preceding, distinguishing the sums received on account of, and paid to, the several Municipalities, and received and paid on account of Interest or Debentures negotiated or redeemed, and the sums invested and the balance in hand ; a list of all Debentures then unpaid, with the dates at which they will become due ; and a statement of all the arrears then due (distinguishing those due in every Municipality), and the amount due on lands then advertised for sale, or which by-law may be advertised during the ensuing year.

What it shall shew.

Copy to be transmitted to Provincial Secretary.

171. The Warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Governor General.

Collection of taxes on lands of Non-residents in Cities provided for.

172. Arrears of taxes due to Cities or Towns withdrawn from the jurisdiction of the Counties in which they are situated or forming a separate County, shall be collected and managed in the same way as like arrears due to other Municipalities; and the Chamberlain or Treasurer, and Mayor, shall, for these purposes, perform—in the case of Cities and Towns—the like duties as are hereinbefore, in the case of other Municipalities, imposed on the Treasurer and Warden.

County Treasurers, &c., to keep triplicate blank Receipt Books: use thereof.

173. The treasurer of every County, and the Treasurer or Chamberlain of every City and every Town withdrawn from the jurisdiction of the County in which it is situate, shall be required to keep a triplicate Blank Receipt Book, and, on receipt of any sum of money for taxes on land, shall deliver to the party making payment, one of such receipts, and shall deliver to the County, City or Town Clerk, the second of the set—with the corresponding number, retaining the third of the set in the book; delivery of such receipts to be made to the clerk at least every three months; the County, City, or Town Clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment, the lot on which payment is made, the amount paid, the date of payment, and the number of the receipt; the Auditors shall examine and audit such books and accounts at least once in every three months.

Audit of Books &c.

RESPONSIBILITY OF OFFICERS.

Treasurers and Collectors to give security, and how.

174. Every Treasurer, Chamberlain and Collector, before entering upon the duties of his office, shall enter into a Bond to the Corporation of the Municipality for the faithful performance of his duties.

Bond with sureties.

175. Such bond shall be given by the officer and two or more sufficient sureties, in such sum and such manner as the Council of the Municipality by any By-law shall require in that behalf, and shall conform to all the provisions of such By-law.

Penalty on Assessors or Clerks failing to perform their duty; and how enforced.

176. If any Assessor or Clerk refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before the Recorder's Court of the City, or before the Court of General Quarter Sessions of the County in which he is Assessor or Clerk, forfeit to Her Majesty such sum as the Court shall order and adjudge, not exceeding one hundred dollars.

Other Assessors may act for those in default.

177. If an Assessor neglects or omits to perform his duties, the other Assessor, or other Assessors (if there be more than one for the same locality), or one of such Assessors, shall, until a new

new appointment, perform the duties and shall certify upon his or their Assessment Roll the name of the delinquent Assessor, and also, if he or they know it, the cause of the delinquency; and any Council may, after an Assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the Assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office.

178. If any Clerk, Assessor or Collector, acting under this Act, makes any unjust or fraudulent assessment or collection, or copy of any Assessor's or Collector's Roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall be guilty of a misdemeanor, and upon conviction thereof, before a Court of competent jurisdiction, shall be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the Common Gaol of the County or City, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

Punishment of Clerks, Assessors, &c., making fraudulent assessments, &c.

179. Proof to the satisfaction of the jury, that any real property was assessed by the Assessor at an actual value greater or less than its true actual value, by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent.

What shall be evidence of fraudulent assessment.

180. An Assessor convicted of having made any unjust or fraudulent assessment shall be sentenced to the greatest punishment, both of fine and imprisonment, allowed by this Act.

Assessor liable to the greatest punishment.

181. With reference to the Upper Canada Jurors' Act, if an Assessor of any Township, Village or Ward neglects or omits to make out and complete his Assessment Roll for the Township, Village or Ward, and to return the same to the Clerk of such Township or Village, or of the City or Town in which such ward is situated, or to the proper officer or place of deposit of such Roll, on or before the first day of September of the year for which he is Assessor, every such Assessor so offending shall forfeit for every such offence the sum of two hundred dollars, one moiety thereof to the use of the Municipality, and the other moiety, with costs, to such person as may sue for the same in any court of competent jurisdiction by action of debt or information; but nothing herein contained shall be construed to relieve any Assessor from the obligation of returning his Assessment Roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly.

Penalty for not making and completing Assessment Rolls, by the proper time.

Not to impair any other liability.

Proceedings
for compelling
Collectors to
pay over mo-
neys collected
to the proper
Treasurer.

182. If a Collector refuses or neglects to pay to the proper Treasurer or Chamberlain, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the Treasurer or Chamberlain shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his hand and seal, directed to the Sheriff of the County, or to the High Bailiff of the City (as the case may be) commanding him to levy of the goods, chattels, lands and tenements of the Collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the Treasurer or Chamberlain the sum so unaccounted for and to return the warrant within forty days after the date thereof.

Warrant.

Warrant to be
delivered to
Sheriff, &c.

183. The said Treasurer or Chamberlain shall immediately deliver the said warrant to the Sheriff of the County, or High Bailiff of the City, as the case may require.

Sheriff, &c., to
execute it : and
pay it over.

184. The Sheriff or High Bailiff to whom the warrant is directed shall, within forty days, cause the same to be executed and make return thereof to the Treasurer or Chamberlain, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of courts of record.

Mode of com-
pelling Sheriff,
&c., to pay
over.

185. If a Sheriff or High Bailiff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the Treasurer or Chamberlain may, upon affidavit of the facts, apply in a summary manner, to either of the Superior Courts of Common Law in term time, or to any Judge of either Court in vacation, for a rule or summons calling on the Sheriff or High Bailiff to answer the matter of the affidavit.

Rule of Court.

When return-
able.

186. The said rule or summons shall be returnable at such time as the Court or Judge directs.

Hearing on
return.

187. Upon the return of such rule or summons the Court or a Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matters of the application.

Fi: fa: to the
Coroner to
levy the mo-
ney.

188. If the Court or Judge be of opinion that the Sheriff or High Bailiff has been guilty of the dereliction alleged against him, such Court or Judge shall order the proper officer of the Court to issue a writ of *Fieri Facias*, adapted to the case, directed to a Coroner of the County in which the Municipality is situate, or to a Coroner of the City (as the case may be) for which the Collector is in default.

189. Such Writ shall direct the Coroner to levy of the goods and chattels of the Sheriff or High Bailiff, the sum which the Sheriff or High Bailiff was ordered to levy by the Warrant of the Treasurer or Chamberlain, together with the costs of the application and of such writ and of its execution; and the writ shall bear date on the day of its issue, whether in term or vacation, and shall be returnable forthwith upon its being executed, and the Coroner, upon executing the same, shall be entitled to the same fees as upon a Writ grounded upon a Judgment of the Court.

Tenor of such Writ.

Execution of Writ.

Fees.

190. If a Sheriff or High Bailiff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of two hundred dollars—to be recovered from him in any court of competent jurisdiction at the suit of the Treasurer of the County or Chamberlain of the city.

Penalty on Sheriff, if no other imposed.

191. All money assessed, levied and collected for the purpose of being paid to the Receiver General, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over to, the same persons and in the same manner and at the same time, as taxes imposed on the same property for County or City purposes, and shall in law and equity be deemed and taken to be moneys collected for the County or City so far as to charge every Collector, Chamberlain or Treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the City or County.

Payment of money collected from the Province.

192. All moneys collected for County purposes, or for any of the purposes mentioned in the preceding section, shall be payable, by the Collector to the Township, Town or Village Treasurer, and by him to the County Treasurer, and the Corporation of the Township, Town or Village shall be responsible therefor to the Corporation of the County.

How money collected for County purposes shall be paid over.

193. Any bond and security given by the Collector or Treasurer to the Corporation of the Township, Town or Village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received for County purposes, or for any of the purposes mentioned in the one hundred and ninety-first section.

Collectors or Treasurers bound to apply all moneys collected by them.

194. The Treasurer of every Township, Town or Village shall, within fourteen days after the time appointed for the final settlement of the Collectors' Rolls, pay over to the Treasurer of the County all moneys which were assessed and by law required to be levied and collected in the Municipality for County

Local Treasurers to pay over County moneys to County Treasurers.

County purposes, or for any of the purposes mentioned in the one hundred and ninety-first section of this Act.

Mode of enforcing such payment.

195. If default be made in such payment, the County Treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the Municipality, or may recover the same by a suit or action for debt against such Municipality, or whenever the same has been in arrear for the space of three months, he may by Warrant under his hand and seal reciting the facts, direct the Sheriff of the County to levy and collect the amount so due with interest and costs from the Municipality in default.

Warrant to Sheriff.

How the Sheriff shall levy.

196. The Sheriff, upon receipt of the Warrant, shall levy and collect the amount, with his own fees and costs as if the Warrant had been a Writ of Execution issued by a Court of law, and he shall levy the amount of costs and fees, in the same manner as is provided by the "Act respecting the Municipal Institutions of Upper Canada," in cases of Writs of Execution.

County Treasurer, &c., to account for and pay over Crown moneys.

197. The County Treasurer, and City Chamberlain, respectively, shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in the one hundred and ninety-first section of this Act, and shall pay over such moneys to the Receiver General.

Municipality responsible for such moneys.

198. Every County, City and Town withdrawn from the jurisdiction of the County within which it is situated, shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer or Chamberlain of the County, City or Town in virtue of his office, shall be by him duly paid over and accounted for according to law.

Treasurer, &c., responsible to County City, &c.

199. The Treasurer or Chamberlain and his sureties shall be responsible and accountable for such moneys in like manner to the County, City or Town, and any Bond or Security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all such moneys as are mentioned in the one hundred and ninety-first section, and may be enforced against the Treasurer or Chamberlain, or his sureties, in case of default on his part.

Bonds to apply.

Bonds to apply to School moneys, &c.

200. The Bond of the Treasurer or Chamberlain and his sureties shall apply to School Moneys, and all Public Moneys of the Province, and in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, by stopping a like amount out of any Public moneys, which would otherwise be payable to the County, City or Town, or to the Treasurer or Chamberlain thereof, or by suit or action against the Corporation.

201. Any [person aggrieved by the default of the Chamberlain or Treasurer, may recover from the Corporation of the City, County or Town, the amount due or payable to such person, as money had and received to his use.

City, &c., responsible for default of chamberlain, &c.

MISCELLANEOUS.

202. If any person wilfully tears down, injures or defaces any advertisement, notice, or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, be liable to a fine of twenty dollars, and in default of payment or for want of sufficient distress to imprisonment not exceeding twenty days.

Penalty for tearing down notices, &c.

203. The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a Warrant of Distress to be issued by a Justice of the Peace of the County, and in default of sufficient distress, the offender shall be committed to the Common Gaol of the County, and be there kept to hard labour for a period not exceeding one month.

Recovery of fines and forfeitures hereby imposed.

204. When not otherwise provided, all penalties recovered under this Act, shall be paid to the Treasurer or Chamberlain, to the use of the Municipality.

Application.

REPEALING CLAUSE.

205. The Acts amending the Assessment Act, passed in the years one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, and one thousand eight hundred and sixty-three, and the "Assessment Act," being chapter fifty-five of the Consolidated Statutes for Upper Canada, are hereby repealed, saving any rights, proceedings, or things legally had, acquired or done under the said Acts or any of them.

Chap. 55, Consol. Stat. U. C., and Acts amending it repealed.

206. This Act shall be known and may be cited as "The Assessment Act of Upper Canada," and shall come into force and effect upon and from the first day of January, one thousand eight hundred and sixty-seven.

Short title.
Commencement of Act.

SCHEDULE A.

TOWNSHIP OF

No.	Names of Taxable Parties.				Value & Description of Real Property.										Statute Labor.			Militia Roll.		
	Occupants.	Profession, Occupation, &c.	Householder or Freeholder.	Age.	Owners & Address.	School Section.	No. of Concession, Street, Square, or other Designation.	No. of Lot, or House, &c.	No. of Acres, Feet, or other Measurement.	Value of each Lot.	Total Value of Real Property.	Taxable Income.	Total Value of Personal Property.	Total Value of Real & Personal Property.	Quakers, Mennonists, or Tinkers.	Persons from 21 to 60 years.	No. of Days.	Dogs.	Ditches.	Reserve.

Take Notice that you are Assessed as above specified, for the year 186 , under the Statutes. If you deem yourself overcharged, you or your Agent may notify the Clerk of the Municipality, in writing, of such overcharge, within fourteen days after this Notice has been left with you, and your complaint shall be tried in conformity with the provisions of the Statutes, by the Court of Revision for the Municipality of (ENDORSED.)

Sir.

Take Notice that I intend to Appeal against this Assessment, for the following reasons:
I am, Sir, your obedient servant,

To the Clerk of the Municipality of

tutes, &c.,
before 1st May,
1867, or having
matriculated
before that day.

and sixty-seven, shall be compelled to pass any other matriculation or preliminary examination or to pursue any other curriculum than such as was required at the time he commenced his attendance on such lectures; and every student who had been regularly engaged in the study of medicine and had matriculated before the first day of May, one thousand eight hundred and sixty-seven, shall be held to have complied with the requirements of the said Act and of this Act, as regards such matriculation.

What must be
shewn by per-
sons claiming
to be registered
as qualified under
Schedule
A of amended
Act.

2. Every person claiming to be registered under the said Act, as qualified under the third or under the fourth paragraph of Schedule A, thereto appended, by virtue of any license or authorization or certificate hereafter granted, unless he shall have regularly attended lectures in some University or medical school, before the first day of May, one thousand eight hundred and sixty-seven, must show, in order to make good his claim to such registration, that he duly passed a matriculation or preliminary examination covering all the requirements of the uniform standard established for such examination by Schedule Z hereto appended :

Uniform Stan-
dard may be
changed; and
how.

2. The said uniform standard may be changed hereafter, by by-law of the General Council of Medical Education and Registration of Upper Canada, and not otherwise; but no such by-law shall have any force or effect, unless and until the same shall have been approved by the Governor in Council, after three months notice thereof given in the *Canada Gazette*, and such approval shall have been notified in the *Canada Gazette*;

Evidence of
matriculation
examination.

3. The certificate of any University or incorporated Medical School in Lower Canada, that any student thereof has duly passed such matriculation or preliminary examination shall be sufficient evidence thereof.

Schedule A of
medical Act
amended.

3. The seventh paragraph of Schedule A to the said Act, is amended by adding after the word "registration" the words "or of any qualification which would entitle the party in question to be so registered."

Penalty on
registered per-
sons, assuming
false titles or
descriptions.

4. Any person who shall be registered under the said Act, and shall wilfully and falsely pretend to be, or take or use the name or title of physician, doctor of medicine, licentiate in medicine and surgery, batchelor of medicine, surgeon, apothecary, or any name, title, addition, or description, implying that he has taken any degree, or obtained any license or certificate, other than he actually possesses or is legally entitled to, shall, upon conviction before a Justice of the Peace for a first offence, be fined in a sum of not less than ten dollars and not exceeding twenty dollars, with costs, and on each subsequent conviction as aforesaid, shall be fined in the amount of the fine last levied against him, and an additional sum of not less than five dollars and not more than ten dollars, with costs.

5. Of all penalties recovered under the thirty-fourth section of the said Act, or under this Act, one half shall go to the prosecutor or the party laying the information, and the other half to the Council for the use thereof. Application of penalties.

6. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE Z.

Uniform standard of Matriculation or Preliminary Examination established under this Act :

Compulsory :—English language, including grammar and composition ; Arithmetic, including vulgar and decimal fractions ; Algebra, including simple equations ; Geometry, first two books of Euclid ; Latin, translation and grammar.

And one of the following optional subjects :—Greek, French, German, Natural Philosophy, including mechanics, hydrostatics and pneumatics.

After one thousand eight hundred and sixty-nine Greek shall be one of the compulsory subjects.

CAP. LV.

An Act to amend and consolidate the Acts to impose a tax on Dogs, and to provide for the better protection of sheep in Upper Canada.

[Assented to 15th August, 1866.]

WHEREAS it is expedient to amend and consolidate the Act chapter thirty-nine of the twenty-ninth Victoria, intituled : *An Act to impose a tax on Dogs and to provide for the better protection of sheep in Upper Canada* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.
29 V. c. 39.

1. The Act passed in the twenty-ninth year of Her Majesty's reign, and chaptered thirty-nine, intituled : *An Act to impose a tax on dogs, and to provide for the better protection of sheep in Upper Canada*, is hereby repealed. 29 V. c. 39,
repealed.

2. There shall be levied annually in every Municipality in Upper Canada, upon the owner of each dog therein, an annual tax of one dollar for each dog, and two dollars for each bitch. Annual tax on dogs.

3. The assessor or assessors of every Municipality at the time of making their annual assessment, shall enter on their roll Duty of Assessors as to owners of dogs.

roll opposite the name of every person assessed, and also shall enter opposite the name of every resident inhabitant not otherwise assessed, being the owner of any dog or dogs, the number by him or her owned or kept, in a column prepared for the purpose.

Duty of owners of dogs.

4. The owner or keeper of any dog, shall, when required by the assessor, deliver to him in writing the number of dogs owned or kept, whether one or more, and for every neglect or refusal to do so, and for every false statement made, shall incur a penalty of five dollars, to be recovered before any Justice of the Peace for the Municipality, with costs.

Tax to be entered on Collector's Roll.

5. The collector's roll shall contain the name of every person entered on the assessment roll as the owner or keeper of any dog or dogs, with the tax hereby imposed, in a separate column, and the collector shall proceed to collect the same and at the same time and with the like authority and make returns to the Treasurer of the Municipality, in the same manner and subject to the same liability for paying over the same in all respects to the Treasurer as in the case of other taxes levied in the municipality.

Tax to form a fund for damages.

Residue.

Proviso.

6. The money so collected and paid to the Clerk or Treasurer of any Municipality, shall constitute a fund for satisfying such damages as may arise in any year, from dogs killing or injuring sheep or lambs in such municipality, and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof; but the fund shall be supplemented when necessary in any year to pay charges on the same, to the extent of the amount which may have been applied to the general purposes of the municipality.

Liability of owners of dogs.

7. The owner or keeper of any dog, that shall kill, wound or otherwise injure any sheep or lamb, shall be liable for the value of such sheep or lamb to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him, that his dog was mischievous or disposed to kill sheep.

Proceedings by owners of sheep killed or injured.

8. The owner of any sheep or lamb that may have been killed or injured by any dog or dogs, may apply to any two Justices of the Peace for the County, who shall enquire into the matter of complaint and examine such owner and his witnesses (if any) upon oath, and if satisfied that such sheep or lamb had been killed or injured by any dog or dogs, and if upon the evidence produced, the Justices shall be satisfied as to whom such dog or dogs belong, or by whom such dog or dogs were kept, such owner or owners if more than one, shall be liable to pay the amount of damages proved to have been sustained by such owner of the sheep or lamb killed or injured by the owner, or, if more than one, owners of such dog or dogs, equally,

equally, upon the order and decision of the Justices before whom the complaint was made, and each Justice shall have authority to summon witnesses and to enforce payment of damages and costs by distress and sale in the manner provided by chapter one hundred and three of the Consolidated Statutes of Canada, respecting the duties of Justices of the Peace out of session in relation to summary conviction and orders, either party aggrieved having the right to appeal by by-law provided in cases of summary conviction.

Hearing and decision.

9. If the party injured shall make oath that upon diligent search and enquiry he has not been able to discover the owner or keeper of the dog or dogs by which such damage or injury has been done, or shall fail to recover the amount of damages or injury adjudged from the owner or keeper of such dog or dogs, if known, for want of distress, the Justices before whom the complaint was made, shall certify to the facts that such owners cannot be found, or that if known, there were no goods found upon which to levy the same, and the amount of damages by them adjudged, and upon the production of the certificate of such Justices to the effect aforesaid, being served upon or left with the clerk of the Municipality, it shall be the duty of such clerk to lay the same before the Municipal Council at its next meeting; and in such cases the Municipal Council shall issue its order on the Treasurer for the amount of the damages appearing by the certificate of the Justices of the Peace to have been sustained by the owner of any sheep or lamb killed or injured by any dog or dogs, and such amount shall be paid by the Treasurer from and out of the fund constituted by the sixth section of this Act, and from no other fund whatsoever; Provided always, that if after such damages shall have been paid by the Treasurer as aforesaid, the owner or keeper of any such dog or dogs shall afterwards be identified and proved, it shall be the duty of the Clerk of the Municipality to make complaint before a Justice of the Peace for the County, who shall summon such reputed owner, and any two Justices of the Peace shall proceed to try the case and determine the same in the manner provided by the eighth section of this Act for compelling the owners of dogs killing or injuring sheep or lambs to pay the damages.

Payment of damages by Municipality if owner of dog cannot be found.

Proviso: if owner of dog be afterwards found.

10. If after receiving the amount of such damages from the Treasurer of the Municipality, the owner of the sheep or lamb so killed or injured shall recover the value thereof, or any part of such value from the owner or keeper of any dog, he shall refund and repay to the Treasurer of the Municipality the sum so received from him, and it shall be the duty of the clerk of the Municipality to bring an action against such owner to recover such amount and such amount when recovered shall form part of the fund constituted by the sixth section of this Act.

Repayment to fund by sheep-owner recovering from dog owner.

Dogs seen
worrying.

11. Any person may kill any dog which he may see worrying or wounding any sheep or lamb.

Dog known to
worry sheep,
to be killed by
owner.

12. The owner or keeper of any dog to whom notice shall be given, of any injury done by his dog to any sheep or lamb, or of his dog having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog to be killed, and for every neglect so to do, he shall forfeit a sum of two dollars and fifty cents, and a further sum of one dollar and twenty-five cents, for every forty-eight hours thereafter until such dog be killed; provided that it shall be proved to the satisfaction of the Justices of the Peace, before whom such suit shall be brought for the recovery of such penalties, that such dog has worried or otherwise injured such sheep or lamb; and provided also, that no such penalties shall be enforced in case it shall appear to the satisfaction of such Justices of the Peace, that it was not in the power of such owner or keeper to kill such dog.

Penalty for
neglect.

Proviso.

Proviso.

Dogs not paid
for to be killed.

13. In cases where parties have been assessed for dogs and the Township Collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice may order such dogs to be destroyed.

Fees and re-
turns by J. P's.

14. Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions under this Act as it is lawful for him to do in other cases within his jurisdiction, and shall make the returns usual in cases of conviction, and also a return in each case to the clerk of the Municipality, whose duty it shall be to enter the same in a book to be kept for that purpose.

Act limited to
U. C.

15. This Act shall apply to Upper Canada only.

C A P . L V I .

An Act to amend the provisions of several Acts relating to the City of Montreal, and for other purposes.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Corporation of the City of Montreal have, by their petition, asked for several changes to be made in the provisions of the Acts of incorporation of the said city, and it is expedient to accede to the prayer contained in the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Time allowed
for election of
Mayor, &c.,
altered.

1. From and after the passing of this Act, the delay granted to persons qualified to vote at the election of Mayor and Councillors of the said city, to produce and deposit their certificates

certificates of qualification to that effect, and vote, shall be from nine o'clock in the forenoon until five o'clock in the afternoon of the last four juridical days in the month of February of each year.

2. Every male person being the owner of real estate in more than one ward of the said city, and every male person being the occupant of an office or place of business in one of the said wards, and being the occupant of a dwelling-house or the owner of real estate in any other ward or wards, shall have the right to vote, for the election of Councillors only, in any ward wherein he owns real estate, or occupies a dwelling-house, as also in the ward wherein such person shall keep an office or place of business; and such person shall be inscribed in the voters' list for each of the said wards; provided such person be otherwise qualified and within the requirements of the law.

Proprietors to vote for Councillors in every ward where they own real estate, &c.

Proviso.

3. The seventh and eighth sections of the Act passed in the fifteenth year of Her Majesty's Reign, (fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight,) are hereby amended in so far as they enable the Mayor, Aldermen and Councillors of the said city to qualify on personal estate; and henceforth the Mayor and Aldermen shall not be capable of being elected, unless they are, during the six months immediately preceding the day of their nomination, seized and possessed, as proprietors, of real estate within the limits of the said city, of the value of one thousand pounds, currency, after payment or deduction of their just debts; and the Councillors shall not be capable of being elected, unless they are, during the six months immediately preceding the day of their nomination, seized and possessed, as proprietors, of real estate within the limits of the said city, of the value of five hundred pounds, said currency, after payment or deduction of their just debts; and the form of oath inserted in the thirty-ninth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, is hereby amended by striking out therefrom all that relates to personal estate.

Qualification of Members of Council to be on real estate only.

Mayor and aldermen.

Councillors.

Form of oath altered.

4. No person shall enter upon office as Mayor, Alderman or Councillor of the said city, unless he shall have previously deposited and lodged in the hands of the City Clerk, a declaration signed by himself, establishing the fact of his being qualified in accordance with the provisions of the next preceding section, and containing a detailed description of the real estate on which he qualifies himself.

Declaration of qualification.

5. In case the Mayor or any Alderman or Councillor shall cede or make over, in any manner whatsoever, the real estate on which he shall have qualified himself, or shall mortgage or encumber the same, so as to affect the amount required for his qualification, it shall be lawful for any two electors duly qualified to vote at the election of the said Mayor, Alderman or

If property on which a member has qualified changes hands, &c.

He must qualify on other property.

or Councillor respectively, to present a Petition to the Council of the said city, requiring the said Mayor, Alderman or Councillor, as the case may be, to produce the title of such other immovable property as he may qualify upon ; failing which, his seat shall become vacant.

Persons indebted for city taxes not eligible as members of Council.

6. No person shall be capable of being elected a member of the Council of the said city, who may be indebted to the said city for taxes, assessments or water rates (drain accounts or special assessments in cases of expropriation excepted) or is a party to, or interested in, any law suit or judicial process whatsoever, the amount of which shall exceed one hundred dollars currency and wherein the Corporation of the said city shall appear as plaintiff or defendant.

Other causes of disqualification.

7. Any member of the said Council who shall, directly or indirectly, become a party to, or security for, any contract or agreement to which the Corporation of the said city is a party, or shall derive any interest, profit or advantage from such contract or agreement, shall thereby become disqualified and lose his seat in the said Council.

Acting City Treasurer in certain cases.

8. In case of the absence of the City Treasurer by sickness or otherwise, the Mayor for the time being may appoint a person to act as such Treasurer during the said absence.

Sec. 38 of 14 and 15 Vic. cap. 128 repealed.

9. The thirty-eighth section of the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, is hereby repealed.

Auditor to be elected by Council: duties.

10. At the quarterly meeting of the said Council to be held in the month of December next, one thousand eight hundred and sixty-six, the said Council shall elect, by a majority of votes, a person to be, and who shall be named the "Auditor for the City of Montreal," whose duties and attributions shall be prescribed by a by-law which the said Council is hereby authorized to pass ; Provided always, that no member of the said Council, nor the city clerk, nor the assistant city clerk shall be capable of being elected Auditor as aforesaid ; Provided also, that any vacancy in the office of Auditor may be filled by the said Council, by an election to be made in the manner prescribed by and in conformity with the provisions hereinbefore made, at any subsequent quarterly or special meeting.

Proviso.

Proviso.

Majority of proprietors interested in any improvement may object to its being carried out, &c.

11. A majority in value of the proprietors interested in or subject to a special assessment may, by a declaration to that effect, to be signed by the said proprietors, object to the carrying out of any improvement, by submitting such declaration to the Commissioners named, for the purposes of the said improvement, by the court or any judge, as the case may be, two days at least before the day fixed on which to proceed with the valuation ; and in that case, instead of proceeding with the valuation

Duty of Com-

valuation on the day appointed, the said Commissioners shall ascertain and determine, without any appeal, if, in reality, the signers of the said declaration constitute the majority in value of the said parties interested, (the said value as set forth and established in and by the general assessment roll immediately preceding such declaration,) and if they find that such majority are opposed to the improvement, they shall report the fact to the Court or Judge, as the case may be, on the day appointed to receive their report of valuation, and the proceedings in expropriation shall *ipso facto* be annulled ; if, on the contrary, the said Commissioners determine that a majority in value of the parties interested have not signed the said declaration, they shall appoint a day on which to proceed to determine the value of the real estate subject to expropriation, of which they shall give notice by publication in one newspaper in the French language, and one newspaper in the English language published in the said city.

Commissioners in such case.

12. The twenty-second and twenty-fifth sections of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty, are hereby repealed ; and it is enacted that the said Commissioners, at the same time that they determine and fix upon the amount of the price, indemnity or compensation for each and every the pieces or parcels of ground required by the Corporation of the said City, for purposes of improvements, shall also proceed to assess and apportion, in such manner as to them may appear most reasonable, the price or compensation, indemnity or damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate, which shall have been benefited or may hereafter be benefited by such improvement ; and the said Commissioners shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount ; and the said Commissioners shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, irrespective of buildings thereon erected, taking into account the size of the said pieces or parcels of ground or real estate and the benefit to be derived from the said improvement ; and two of the said Commissioners shall have full power to act for the purposes of the said special assessment, in case of a diversity of opinion, and their decision shall have the same force and effect as if the three Commissioners had concurred therein.

Commissioners to make out special assessment in cases of local improvement.

On what the assessment shall be based.

Two Commissioners may act.

13. The twenty-third section of the said Act twenty-seventh and twenty-eighth Victoria, chapter sixty, is hereby amended by striking out the words "along with a plan or map designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment ;" and by substituting the word "Commissioners" for the word "Assessors"

Sec. 23 of 27 & 28 V. Cap. 60, amended.

"Assessors" wherever the latter word occurs; but the provisions contained in the two next preceding sections shall not apply to cases where the Commissioners shall have commenced the proceedings of expropriation at the time of the passing of this Act.

Commissioners to be appointed to assess in cases, where the lands is acquired by amicable arrangement.

14. When the Corporation of the said City, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, shall have acquired by amicable arrangement and without having recourse to proceedings in expropriation, all the pieces or parcels of ground required for the said improvement, (hypothesis under which, before the repeal of the sections of the said Act twenty-seventh and twenty-eighth Victoria, chapter sixty, hereby abrogated, the City Assessors were held to assess and apportion, without limitation as to time, the cost of the improvement upon the real estate benefited) the said Corporation shall, by a petition to be addressed to the Superior Court or to any Judge thereof, in vacation, cause to be appointed three Commissioners for the special purpose of making and determining the apportionment or special assessment to cover the cost of the said improvement, in whole or in part, as the case may be; and the said Commissioners shall make such apportionment or special assessment in the manner specified in the foregoing sections; nothing herein contained shall deprive any of the parties interested from availing themselves of any irregularity in the original proceedings, and of contesting the right of the said Corporation to make or cause such assessment to be made.

Rights saved.

Sec. 17 of 27 & 28 Vic. cap. 60, amended.

15. The seventeenth section of the said Act, twenty-seventh and twenty-eighth Victoria, chapter sixty, is hereby amended, and hereafter all the powers conferred upon the Superior Court by the said section to call in the creditors and issue such orders as regards the distribution of the price or indemnity, shall be exercised with as much validity by any of the Judges of the said Court during the vacation and out of term.

Delay within which real estate may be sold for taxes.

16. The delay of five years fixed by the seventy-fifth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, for the sale of real estate, in case of non payment of the assessments due thereon, is hereby reduced to two years.

Loan of \$400,000 to pay all floating debt, authorized.

17. And whereas it is expedient to make provisions for consolidating the floating debt of the said City and for placing the financial affairs of the said City on a better footing, by providing means for paying off the said debt, by means of a sinking fund: it is enacted that it shall be lawful for the said corporation to borrow, by and through the issue of debentures, in sums not less than five hundred dollars each, a sum not exceeding four hundred thousand dollars to pay off and extinguish the floating debt; and the provisions of the second section of the Act sixteenth Victoria,

Certain provisions to apply.

chapter

chapter twenty-six and of the twelfth section of the Act twenty-ninth Victoria, chapter fifty-eight, relating to the sinking fund, shall apply to the loan authorized by the present section.

18. It shall be lawful for the said corporation to borrow, by means of debentures to be issued for that purpose, in sums not less than five hundred dollars each, a sum of one hundred and seventy-five thousand dollars to be applied exclusively to the amelioration of the Water Works of the said city, a portion of which sum, viz: one hundred thousand dollars shall be specially applied to the extension of the reservoir, and seventy-five thousand dollars to provide against unforeseen accidents which may occur in the winter season, and for no other purposes; and the provisions of the second section of the Act sixteenth Victoria, chapter twenty-six, and of the twelfth section of the Act twenty-ninth Victoria, chapter fifty-eight in relation to a sinking fund, shall apply to the loan authorized by the present section.

Loan of \$175,000 for water works.

What provisions to apply.

19. This Act shall be deemed a Public Act.

Public Act.

CAP. LVII.

An Act to amend the Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of, and the supply of water to, the City of Quebec.

[Assented to 15th August, 1866.]

WHEREAS the Corporation of the City of Quebec have, by their petition, prayed that amendments may be made to the Act passed in the twenty-ninth year of Her Majesty's Reign, intituled: *An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of, and the supply of water to, the City of Quebec*, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

29 V. c. 57.

1. Section six of the said Act is repealed, and the following substituted therefor:

Section 6 repealed.

"6. 1. No person shall be capable of being elected or holding office as Mayor, Alderman or Councillor of the said city, unless he has been a resident householder within the said city for one year next before the election, nor unless he is seized and possessed at the time of the election and during the entire continuance of his said office, to his own use, of real estate within the said city, of the value of two thousand dollars, over and above all rents, charges, debts and hypothecs due or payable upon such real estate, nor unless he is a British subject by birth or naturalization:"

Qualification of Members of the Council.

Proof of qualification before election or nomination.

" 2. No person shall be qualified to act as Mayor, Alderman or Councillor, until he shall have placed or caused to be placed in the hands of the City Clerk, a certificate of the Recorder or of a Judge of the Superior Court, declaring that such person has proved before him that he possesses the property qualification required by the last preceding subsection ; provided, that if such certificate be not produced within two months from the date of his election, the seat of such Mayor, Alderman or Councillor shall be vacant ;"

Oaths of allegiance and of office.

" 3. The Mayor, Aldermen and Councillors shall not act as such until they shall have taken the oath of allegiance, mentioned in schedule A, and also the oath of office before the Recorder or a Justice of the Peace for the city or district of Quebec ;"

Persons disqualified.

" 4. The following persons shall not be elected Mayor, Aldermen or Councillors : persons in holy orders, the ministers or preachers of religious sects, dissenters or congregations, judges, clerks of courts, persons accountable for the funds of the said city, persons in receipt of salaries, emoluments, fees or wages from the said city for their services, the officers and employees of the Corporation, poll-clerks, persons convicted of treason or felony, before a Court of Justice in any of Her Majesty's possessions, the contractors for the works of the said city or of the water-works and their sureties, and generally all parties interested in any manner whatsoever in any contract or bargain with the Corporation."

Section 15 amended.

2. Subsection two of section fifteen of the said Act is repealed, and the following substituted therefor :

When the Mayor, &c., shall enter on their duties, after election.

" 2. The Mayor, Aldermen and Councillors elected at the annual election aforesaid, shall not enter upon the duties of their offices, and shall not enjoy any of the rights and privileges attached to their respective offices, until and after the second Monday in January following their election ; if that Monday should happen to be a public holiday, they shall enter upon the duties of their offices upon the next juridical day."

Section 16 amended.

3. Subsection five of section sixteen of the said Act is repealed, and the following substituted therefor :

Majority to decide questions : no ballot.

" 5. The absolute majority of the members present shall determine all questions and matters (except the passing of by-laws) submitted to the Council ; the Council shall not in any case vote by ballot."

Section 17 amended.

4. The following subsections are added to the seventeenth section of the said Act :

" 12. The Mayor may, whenever he shall consider it necessary, require the Recorder of the said city to institute an enquiry into the conduct of any officer or servant of the said Corporation, in his capacity as such, and the said Recorder shall for that purpose be vested with all the powers conferred upon him by section twenty-seven of this Act, in the case of an inquiry ordered by the Council;"

Inquiry by Recorder touching conduct of officers.

" 13. The Mayor may suspend such officer or servant from the performance of his duties, and such suspension may continue until the Council of the said city shall thereupon decide."

Mayor may suspend such officers.

5. Subsection eight of section eighteen of the said Act is amended, by adding after the word " Mayor " the words " or before any member of the said Board ;"

Section 18 amended.

6. The following subsections are added to the said section eighteen :

Further amendment.

" 11. The said Assessors may exercise, either collectively or separately, each and every the powers which are conferred upon them by this Act, or by any other Act, or by the by-laws of the Council now in force, or by those to be hereafter made by the said Board ;"

Powers of assessors.

" 12. Two members of the said board, present at any meeting of the said board, shall be competent to exercise all the powers conferred on the said board by this Act ;"

Quorum of board.

7. Subsection one of section twenty of the said Act is amended by adding after the words " shall be sworn to before a Justice of the Peace, or a member of the City Council," the words " or before the Clerk of the said Recorder's Court."

Section 20 amended.

8. Subsection three of the same section is amended by adding the following words at the end thereof :

Further amendment.

" Unless sufficient cause to the contrary shall be shewn by the party interested."

9. Subsection four of the same section is amended by adding the following words at the end thereof :

Further amendment.

" Otherwise the said Court shall order the correction, amendment or addition applied for, to be made."

10. Subsections two, three, four and eight of section twenty-one of the said Act are repealed, and the following substituted therefor :

Section 21 amended.

" 2. The Council may by By-law impose and levy—

" Tolls

Tolls. "Tolls upon all works under its jurisdiction in the said city ;

Assessments. "An annual assessment on the movable and immovable property in the said city, or upon both, or upon either, as it

Limitation. may think fit ; but the assessment shall not (except in the cases hereinafter provided for,) exceed ten cents in the dollar of the annual value of the property assessed ;

Drainage tax. "3. Impose and levy for drainage upon immovable property, an assessment which shall not exceed two and a half cents in the dollar of the annual value assessed ;

Obligatory for the year 1866-7 "But the Treasurer of the city shall, without other authority than this Act, impose and levy such tax for the fiscal year one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, in the manner prescribed for the imposing and levying of other taxes or assessments upon real property, and the said tax shall be payable on and after the first day of November next, and shall continue to be levied in the same way and at the same time in each succeeding year until repealed by the said Council ;

Tenant and proprietor each to pay half. "Assessments on immovable property when the same is leased or occupied by any person other than the proprietor, shall be payable one-half by the proprietor and one-half by the tenant or occupant ; otherwise the whole shall be paid by the proprietor ;

Specific rates on chattels, trades, &c. "Specific rates upon animals, upon chattels, upon trades, upon callings, upon commerce, upon business, upon manufactures, upon professions, upon incorporated or unincorporated companies whose object is gain, upon the shareholders or partners in such companies, and generally upon all means of gain or livelihood whatsoever, their agents or agencies and their places of business ;"

4. The Council may—

Licenses. "Substitute for the specific rates imposable by and mentioned in the foregoing third subsection, licenses or permits ;

Penalties. "Punish by a fine not exceeding fifty dollars or by imprisonment for one calendar month, unless such fine be sooner paid, any contravention of the By-laws made in virtue of the foregoing provisions."

Section 24 amended. "11. The first subsection of section twenty-four of the said Act is amended, by adding at the end thereof the following :

Recovery of taxes. "But the said Corporation may also sue for the recovery of any ordinary or special assessment, tax, duty, or municipal dues whatever, owing to the said corporation, by action before the

the Recorder's Court, and in accordance with the law regulating the said Court."

The said subsection one of section twenty-four of the said Act is further amended by adding thereto the following words : Further amendment.

" Whenever the person upon whom such notice and demand had been served, has any defence to the claim of the said Corporation, he may, within ten days from the day on which such service has been made, present to the Recorder's Court a petition, of which notice shall be given to the City Treasurer, setting forth the nature of his defence, and praying that no further proceedings be taken on such notice and demand, which petition shall in all cases be supported by affidavit ; upon the presentation of such petition, the said Recorder's Court shall proceed to adjudicate thereupon, and if it be dismissed, the notice and demand served shall have the same effect as if no such petition had been presented ; and if the said petition be maintained, the said Recorder's Court shall make such order thereupon as the justice of the case may require."

Petition by person having defence against the demand of the Corporation.

Recorder's Court to adjudicate thereon.

Subsections two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of the same section twenty-four of the said Act, are repealed, and the following substituted therefor : Certain subsections repealed.

" 2. Whenever any assessment, tax, rate or municipal dues whatever shall have been imposed on any movable or immovable property belonging to several co-heirs, or possessed *par indivis* by several persons whose names cannot easily be ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment book the name of one of the co-heirs or co-possessors ; and the co-heir or co-possessor whose name shall be thus inscribed shall be held liable for the full payment of the assessment, tax, rate, or other municipal dues so imposed, reserving his remedy as by law against his co-heirs or co-possessors."

New provisions : as to joint owners of property.

" 3. No person assessed on real property shall pay less than one dollar in each year, even if the amount of his assessment shall be less than that sum."

Minimum tax on realty.

" 4. No execution issued and no judgment obtained against the proprietor, or the tenant or occupant, shall deprive the said Corporation of the power of prosecuting and executing the judgment obtained for the payment of the said assessments, taxes, rates or other municipal dues, against either the said proprietor, tenant or occupant, if such payment cannot be obtained from that one of them who shall have been already sued in the matter ;"

Either proprietor or tenant may be sued if the other fails to pay.

" 5. In case the Corporation is unable to recover from the tenant or occupant of any real property in the said city, the proportion of the assessments, taxes, rates, or other municipal dues

Proprietor liable for tenant's tax.

dues payable by such tenant or occupant, the proprietor of the real property occupied by such tenant or occupant, shall be responsible to the said corporation, who may exact from the proprietor payment of any sum so due for such assessments, taxes, rates or other municipal dues by such tenant or occupant ; ”

Limitation. “ 6. But the corporation shall in such case bring their action against the proprietor before the commencement of the quarter ending the year of tenancy during which such assessments, taxes, rates or other municipal dues shall have become payable ; ”

Execution against lands. “ 7. In case a defendant debtor to the Corporation for assessments or other municipal dues does not possess any moveables, or if he does not possess sufficient moveable property for the payment of the debt and the costs, or of any portion of the debt and costs which may be due, then if such defendant possesses any real estate, lands and tenements in the district of Quebec or in any other district in Lower Canada, a writ *de terris* for the seizure and sale of the said real estate, lands and tenements, shall be issued from the Recorder's Court according to law, at the instance of the Treasurer of the Corporation, upon the return of the bailiff, having the execution of the writ, setting forth the absence or insufficiency of moveable property ; ”

Writ to whom addressed. “ 8. The writ shall be addressed to the Sheriff of the District in which the real estate is, and returnable into the Superior Court for the District of Quebec ; ”

Proceedings on writ. “ 9. The Sheriff shall proceed upon the writ in all respects as provided by law in all cases of sales of real estate by authority of Justice, and shall make a return of the said writ and his proceedings upon it to the said Superior Court ; ”

Oppositions, &c. “ 10. Any opposition, incidental claim or proceeding connected with the execution of the writ and the distribution of the moneys produced by the sale of the real property, lands and tenements shall be made, filed and determined by the said Superior Court as if the said writ had issued from it ; ”

Duty of treasurer. “ 11. The Treasurer of the City shall be charged with the recovery and collection of all moneys due to the Corporation, and he shall use all legal means necessary for the purpose ; ”

His responsibility. “ 12. He shall be responsible for the loss of any sum due to the Corporation, unless he proves that he has made every effort for its recovery ; ”

Summoning absentees. “ 13. In case the debtor of any assessment, tax, or other municipal dues, does not reside in the District of Quebec, he shall be notified to appear in the Recorder's Court in the manner prescribed

prescribed by law for summoning absent debtors, and the provisions of that law shall apply *mutatis mutandis* to any proceeding before the said Court, in the same manner as they apply to the Superior and Circuit Courts ; ”

“ 14. All assessments, taxes, or other municipal dues owing to the Corporation, shall be privileged debts, and be paid according to the rank assigned to assessment and rates by the two thousand and ninth article of the Civil Code ; ”

Debt to corporation privileged : as per Civil Code, art. 2009.

“ 15. But this privilege, which need not be registered, shall only extend to the current and preceding year, and as regards real estate, it shall only affect the real estate upon which or in respect of which such assessment, tax, duty or other municipal due shall have been imposed ; as regards personal property, this privilege shall only extend to moveables possessed within the limits of the City, unless the debtor has fraudulently conveyed the said moveables without the limits of the City ; ”

Limitation of privilege.

Moveables.

“ 16. In case the assessment books for the current year are not made and completed at the period at which the said privilege shall be exercised or claimed, the Corporation may demand for the current year, the assessment, taxes or other municipal dues entered against such debtor for the preceding year in the said books of assessment, and it shall be for the debtor to establish that, since the completion of the last books of assessment or the expiration of the fiscal year of the City, he has ceased to be liable for such assessment, taxes or other municipal dues or any of them ; ”

If the books for the current year are not made up.

Onus of proof on debtor.

“ 17. The action of the Corporation for the recovery of any assessment, tax or other municipal due whatsoever shall be prescribed by the lapse of two years to be computed from the day on which such assessment, tax or municipal due shall have become due and payable ; ”

Prescription of taxes.

“ 18. All the provisions of the present Act shall apply in like manner to the recovery of all special assessments or rates imposed by the Council of the said City, or by the Treasurer of the said City, and to the rate or tax for water furnished by the water-works of the said city ; ”

To apply to special rates, &c.

12. Subsection six of section twenty-six of the said Act shall be amended by adding the following words at the end of the said subsection :

Section 26 amended.

“ And such oaths shall be administered by the Recorder of the said City or by a Justice of the Peace for the City or for the District of Quebec.”

Administering oaths.

13. The words “ five hundred ” in the first line of section twenty-eight of the said Act, shall be replaced by the words “ one hundred.”

Section 28, amended.

Sub-section 16
of sect. 29,
amended.

14. Subsection sixteen of section twenty-nine of the said Act shall be amended by adding at the end thereof the words "relative to fire."

Sub-section 21
of sect. 29,
repealed.

15. Sub-section twenty-one of the said section twenty-nine is repealed and the following substituted :

Allowances
to firemen
hurt, &c.

" 21. To pay any sums necessary to indemnify or to assist by an annual allowance, not in any case to exceed fifty dollars, any person who shall have been heretofore or shall be hereafter a member of a fire company or of the police force of the said City, who shall have received or shall receive in the performance of his duties as such, a wound, or contract or have contracted any disease rendering him unable to provide for his support either in whole or in part, or the family (the wife or children) of any such person who shall have lost his life in the performance of his duties aforesaid ; and the Council shall by such by-law determine the period during which such allowance shall be paid."

Sub-section 23
amended.

16. Subsection twenty-three of section twenty-nine shall be amended by adding at the end of the said subsection, the following :

Penalties for
violating by-
laws.

" And may punish any infringement of any provision of such by-law, by a fine not exceeding forty dollars for each day such infringement shall continue ; and every such day shall constitute a distinct and separate offence, and shall be prosecuted as such."

Sub-sec. 33.

17. Subsection thirty-three of the said section is repealed, and the following substituted therefor :

Removing
snow, &c.

" 33. For requiring the removal by any proprietor, tenant or occupant of any house, building or real property whatsoever, or of any portion thereof, in the said City, of all snow, ice, dung, mud, soot, filth or any matter or thing whatsoever injurious to health or emitting a bad smell, or contrary to cleanliness, in or upon any street, lane or public place, adjoining such house, building or property on any side whatsoever ;"

Limitation of
obligation to
remove snow,
&c.

" But such proprietor or occupant shall be required to make such removal from one half only of such street or lane, or from fifteen feet in width of such public square adjoining such house, building or property, in accordance with the by-laws made or to be made in that behalf by the Council of the said City."

New sub-sec-
tions after 33.

18. The following subsections shall be added after sub-section thirty-three of the said section twenty-nine, namely :

"(a). For directing and requiring the removal of any doorstep, porch, balustrade, balcony, gallery or other projection into, or obstructions in any street, or public square, or anything impeding or contracting such street, lane or public square ; "

Encroachments on streets.

"(b). And by such by-law the said Council may order and direct that any matter or thing, projection or obstruction mentioned in subsection thirty-three and the last preceding subsection added thereto, shall be removed at the expense of the proprietor, tenant or occupant, by the officer or person who shall be appointed to see to the execution of such by-law ; And the costs of such removal shall be recovered from such proprietor, occupant or lessee, by an action for debt, before the Recorder's Court, in the name of the said Corporation, and recovered in pursuance of the law regulating the said Court ; "

Cost of removal, how paid.

"(c). For directing and requiring the removal by any proprietor, occupant or tenant of any house or building, or of any part thereof, the snow and ice from the roof of such house or building, when such roof slopes or inclines towards a street, lane or public square, and when such snow or ice may be dangerous to public safety."

Snow on roofs.

19. Subsection forty-two of the said section twenty-nine is repealed, and the following substituted therefor :

Sub-section 42 repealed.

"42. No person shall sell, offer or expose for sale any butcher's meat, such as beef, veal, mutton or fresh pork, except in the stalls of the markets of the said City, or of any other building appropriated for that purpose by the said Corporation, on pain of fine not exceeding one hundred dollars for each offence ; "

Selling meat regulated.

"But farmers may sell on the said markets, in accordance with the by-laws of the said City, all kinds of meat, either by the quarter or whole, being the yield of animals raised on their farms, or the produce of their hunting ; And in any action for the violation of the provisions of this subsection, the Corporation shall not be required to prove that the defendant has sold, offered or exposed for sale meat not being that of animals raised on his farm or the produce of his hunting."

Exception.

Proviso, as to proof.

20. The following subsection shall be added immediately after the forty-second subsection of the said section :

New sub-section after 42.

"(a) The said Council may, by any by-law made for that end, compel any transient merchant or trader, his agents, clerks or employees, or any person selling in the said City by samples, to take out from the clerk of the said City a license, for which there shall be paid to the Treasurer of the said City the sum not exceeding two hundred dollars.

Transient traders to take out licenses.

Sub-sections repealed and others substituted.

21. Subsections forty-three, forty-four, forty-five and forty-six of the said section twenty-nine, are repealed, and the following substituted therefor :

Refusing to exhibit license.

Arrest of offender.

" 43. Any police officer or constable of the said City may require any person mentioned in the preceding subsection, to exhibit his license, and on his refusal, or if he has no license, the constable shall bring such person before the said Recorder's Court, if it be then sitting, to be by the said Court disposed of according to law ; "

If Recorder's Court is not sitting.

" 44. If the said Court be not then sitting, and the person so arrested is unable or unwilling to give bail, before the clerk of the said Court or his deputy, or before the said Recorder, for his appearance before the said Court, at its next sitting, or if the said person refuses to pay the amount due by him for his license, such person shall be detained in one of the police stations of the said City until the next sitting of the said Court ; "

If the person arrested has no license.

" 45. If such person has no license, the bail required by the next preceding subsection shall be two hundred dollars, in any other case it shall be eighty dollars, and if the conditions of the admission to bail be not fulfilled, the sum mentioned in the recognizance shall belong to the said Corporation, and may be recovered by an action for debt before the said Recorder's Court in accordance with the law regulating the said Court ; the surety or sureties required by this and the next preceding subsection shall be known and solvent persons residing within the limits of the said City ; "

If the offence be proved.

" 46. If the said person appear, the Court on the admission of such person or on proof of the offence by one or more credible witnesses, shall condemn such person to pay a fine not exceeding two hundred dollars, and in default of immediate payment of the said fine, and of the costs, the said person shall be imprisoned and detained in the common gaol of the District of Quebec, for a period not exceeding two months, unless the said fine and costs, together with those of imprisonment, be sooner paid."

Additional sub-sections to 29.

22. The following shall be added after the forty-eighth subsection of the said section twenty-nine :

Extent of By-law.

" 48. (a). The said Council may also, by by-law for that purpose, compel parties who carry on any business or trade in the said City to take out licenses for the carrying on of such business or trade ; this requirement may be extended to all branches of business or trade, or only to those to which the said Council may deem it expedient to extend it ; "

" 48. (b). The said license shall be given by the clerk of the said City after payment of the price of such license to the Treasurer of the said City, such price not to exceed one hundred dollars, and the said Council may fix such price for each kind of business or trade ; "

Price of
license.

" 48. (c). Licenses granted under the preceding provisions shall avail from the day on which they shall be granted until the first of May then next ensuing, and no longer."

Duration.

23. Subsection sixty-one of section twenty-nine of the said Act is repealed and the following substituted :

Sub-section
61 repealed.

" 61. For suppressing and regulating houses of prostitution, houses of ill-fame or disorderly or reputed such, or any other building whatsoever in the said City, suspected of being a house of prostitution, house of ill-fame or disorderly house, and to make in relation to such houses or buildings, or to the masters or mistresses thereof, or persons reputed such, or the tenants or occupants of such house or building, or the persons dwelling, lodging or residing in such house or building, or relating to any prostitute or person known or reputed to be such, any by-law necessary for public order, decency or morality ; and by any such by-law, any master, mistress, tenant or occupant of such house or building, or any person reputed to be such, may be held responsible for any infringement of the provisions of such by-law, by any person dwelling, residing or lodging in such house or building, or frequenting the same, but nothing herein contained shall prevent the party offending from being prosecuted for the offence by him or her committed against such by-law, at the option of the prosecutor ; and by such by-law, any infringement of the provisions thereof shall be punishable on conviction before the Recorder's Court, by a fine not exceeding one hundred dollars, or in default of payment of the fine and costs, by imprisonment with hard labor, for a period not exceeding six months ; but the imprisonment shall cease on the payment of the fine and the costs due at the date of such payment."

Suppressing or
regulating
houses of pros-
titution.

24. The following subsection shall be added after subsection seventy-two of the said section twenty-nine :

New sub-sec-
tion after 72.

" Any person who shall be in the habit of remaining with a vehicle with one or two horses harnessed thereto, or of causing such vehicle so to remain on a carters' stand, or in a street, lane, porch, or the entry of a yard or house, or on a public square in the said City, or of carrying in such vehicle any persons, effects or merchandise whatsoever, shall be considered as carrying on the business of a carter for lucre, gain or profit, either for himself or for some other person, and shall be liable to any fine or penalty imposed by law or by the by-laws of the City, on persons carrying on the business of a carter aforesaid, and

Who shall be
deemed carters.

and in any suit or complaint brought by virtue of this provision. the *onus* of proving that he does not so exercise the business of a carter, shall lie upon the defendant."

New sub-section after 77.

25. The following subsection is added after subsection seventy-seven of the said section twenty-nine :

Engagements with P. Barras and others, may be carried out.

" 77 (a). But inasmuch as the said corporation hath in good faith entered into engagements with Messrs. Pierre Barras-George Couture and Théodule Foisy, in relation to the ferry between the said city and Point Lewis, the Mayor is empowered in the name of the Corporation to grant to the parties above named, on such conditions as the Council shall deem expedient, the exclusive privileges of the said ferry for nine years or less, commencing on the first day of September, one thousand eight hundred and sixty-six.

Sub-section 79 amended.

26. Subsection seventy-nine of the said section twenty-nine shall be amended by adding at the end thereof the following :

Rates of wharfage, &c.

" And also to make a tariff of the dues or rates of wharfage to be exacted and levied for the use of the said wharves for the mooring of schooners, vessels or other craft, and for discharging, loading or depositing thereon for any other purpose, any animals, merchandise or effects whatsoever, or for the use or occupation by any vessel whatsoever, of Palace harbor within the limits of the said City.

New sub-sections to sect. 29.

27. The following subsections shall be added to the said section twenty-nine :

Hucksters.

" 84. No huckster shall sell, offer or expose for sale, any commodity or provisions whatsoever, except in the stalls of the markets of the said city, or other building appropriated for that purpose by the said Corporation, under pain of a fine not exceeding forty dollars for each offence ; and in any action or suit instituted for a violation of the provisions of this subsection, it shall not be necessary for the plaintiff to prove that the defendant is a huckster ; it shall rest with the defendant to prove that he is not a huckster ; "

Who shall be.

" 85. Any person who buys, for the purpose of selling again by retail, any commodities or provisions commonly sold on the public markets of the said City shall be deemed to be a huckster.

Section 30, amended.

28. Subsection eight of section thirty of the said Act is repealed.

Further amendment.

29. Subsection nine of section thirty of the said Act is repealed, and the following subsection shall be added after subsection ten of the said section :

"11. All recognizances required in penal matters, in all cases when the fine or penalty sued for shall belong to the said Corporation, in case of the non-fulfilment of all and every the conditions mentioned in such recognizance, shall be given in favor of the said Corporation, and in case of the forfeiture of such recognizance, the Corporation may recover the amount thereof from the sureties jointly and severally, by action for debt before the said Recorder's Court."

Recognizances.

30. The first subsection of section thirty-one of the said Act is repealed, and the following substituted therefor :

Section 31, amended.

"The police force now established in the said city shall, after the passing of this Act, be under the exclusive control of a board consisting of the Mayor, the Recorder and the Judge of the Sessions of the Peace for the said city, of whom two shall form a quorum; the said board shall appoint a sufficient number of men qualified to perform the duties required of those who form part of the said force, but such number shall not exceed sixty-two men ;"

Police force ; board to control, &c.

No. of men.

"1. (a). The Treasurer of the City shall pay to the said board out of the revenue of the said City, and upon their demand, all and every the sums required by the said board, to pay, equip, arm and lodge the said force or part thereof, to maintain, repair, purchase, build, heat and light police stations, and generally all sums required for incidental or accessory expenses of the said police force."

Expenses to be paid by Treasurer.

31. Subsection nine of the same section is repealed, and the following substituted therefor :

Sub-section 9, repealed.

"9. No police constable shall withdraw from the said force before the expiration of his term of engagement (except in case he shall have been discharged,) under pain of a fine not exceeding eighty dollars, or in default of payment, of imprisonment for a period not exceeding three months ;"

Constables not to leave the service during engagement..

"The engagement of any constable shall be deemed to be made for the period of one year and no more ; but any engagement may be renewed with the consent of the board."

Term of engagement.

32. Subsection sixteen of section thirty-one of the said Act is repealed, and the following substituted therefor :

Sub-section 16, of sect. 30, repealed.

"16. Any person arrested on view for an offence against the by-laws of the said city, may be admitted to bail by a Justice of the Peace, who shall accept as sureties only persons of known solvency, for the appearance of the person so arrested before the said Recorder's Court on the day named in the recognizance ;

Persons arrested on view.

Amount of bail. "The amount of the recognizance in such case as well as in the case of persons arrested under the provisions of subsections ten, eleven and twelve of this section, shall be forty dollars; And for the said recognizance there shall be exacted fifty cents, which shall be delivered to the Clerk of the said Court with the recognizance, and the said fifty cents shall belong to the said Corporation."

Sub-section 18 repealed. **33.** Subsection eighteen of the said section thirty-one is repealed, and the following substituted therefor:

Punishment of persons resisting police, &c. "18. Whoever shall abuse, threaten, assault, strike, or resist any constable or incite any person to assault, strike or resist such constable in the performance of the duties imposed upon him by this Act or by any other Act or by any by-law of the said city now in force or hereafter to be in force in the said City; or shall

Rescuing prisoners. "Violently deliver or carry off a prisoner, or in any way whatsoever cause or procure the escape of a prisoner in the custody of such constable; or

Resisting visit of constable. "Shall resist such constable in his visit and examination of any building, ground or place whatsoever in the said City, or refuse him admission thereto or to any part thereof, in any case in which such constable is authorized by law or by a by-law of the said City to make such visit, shall incur, on conviction for each offence, a fine not exceeding fifty dollars, or imprisonment for a term not exceeding two months, or both fine and imprisonment together, in the discretion of the Recorder's Court aforesaid."

New sub-sect., added. **34.** The following subsections shall be added after the nineteenth subsection of section thirty-one:

Secretary of police board. "20. The said police board shall appoint a Secretary, who shall also be Secretary of the board of assessment; such Secretary shall keep and sign the minutes of each meeting of the said boards, and shall perform all duties assigned to him by the said boards respectively;"

Documents signed by him. "21. Any document signed by the said Secretary in his capacity as such, shall be received as *prima facie* evidence in all Courts of Justice, and for all purposes whatsoever;"

Salary. "22. The salary of the said Secretary shall not exceed six hundred dollars per annum; such salary shall be fixed by the Council of the said City, and shall be paid monthly by the City Treasurer; but if the Secretary is already an officer or employee of the said Corporation, he shall only be entitled to an increase of salary not exceeding the sum of two hundred dollars;"

" 23. The said police board may, as often as they shall deem it necessary, institute an enquiry into the conduct of the police force of the said City, or of one or more of the members of the said force ; the said board shall have for that purpose all the powers granted to the Recorder of the said City respecting enquiries made by the said Recorder by order of the Council of the said City ;"

Inquiries into
conduct of
police.

Powers.

" 24. The powers conferred by the subsection nineteen of the thirty-first section of the said Act shall for the future be exercised by the Police Board."

Powers of Po-
lice Board.

35. Subsection eleven of section thirty-two of the said Act is repealed, and the following substituted therefor :

Sub-section 11
of sect. 32,
repealed.

" 11. After the passing of the present Act it shall not be lawful to cover with wood or other combustible material, any house or building which shall hereafter be constructed or built, or shall be in process of construction, at the period of the passing of the present Act ; or to repair with wood or other combustible material, any roof which, at the time of the passing of this Act, was composed of wood or other combustible material, when such repairs shall exceed five square feet ;"

Wooden
coverings to
buildings for-
bidden.

" But any such roof shall be of sheet-iron, tin, zinc, slate or other incombustible material which may be adopted or prescribed by a by-law of the said Council, under pain of a fine not exceeding two hundred dollars for every infringement of this provision, and a further fine not exceeding twenty dollars for every day such infringement may continue, and every day of such infringement shall constitute a distinct and separate offence punishable by the fine last above mentioned ; and the said fine shall be sued for and recovered as prescribed by subsection twelve of this section."

Of what to be
made.

36. The following subsections shall be inserted after subsection thirteen of the said section thirty-two :

New sub-sects.
to sect. 32.

" 14. After the passing of the present Act, it shall not be lawful to build or construct, or to cause to be built or constructed, within the limits of the said city, any house or building of wood faced exteriorly with brick or stone ; but the four outer walls or sides of such house shall be built or constructed wholly of brick or stone, or of brick and stone ;"

Wooden build-
ings forbidden.

" 15. The fine for every infringement of this provision shall be recovered from the proprietor of such house or building ; or from the builder thereof and the proprietor, if such building is in course of construction ; or may be recovered from the tenant or occupant of the ground upon which such building shall be situated, if the building in course of construction or constructed is being constructed or has been constructed for such tenant or occupant

Penalty.

Recovery of
fine.

occupant, and such fine shall be recovered in the manner prescribed by the said subsection twelve respecting wooden buildings ; ”

Fire inspector
to see this carried
out until,
&c.

“ 16. All the duties imposed by this section shall, after the passing of this Act, be discharged and executed by the fire Inspector of the said City or other officer to whom, by a by-law organizing the fire department of the said City, the superintendence of the said department shall be entrusted or who shall be the chief officer thereof under any by-law to that effect ; and the said officer shall see to the execution of the provisions aforesaid , but the said Chief of Police shall be charged with the execution of the provisions of this section until an officer shall have been appointed as aforesaid to superintend or direct the fire department ; and the said officer shall be liable to the fine and penalty imposed by the thirteenth subsection of this section.”

Penalty for ne-
glect.

Sub-section 1
of sect. 35
amended.

“ 37. Subsection one of section thirty-five of the said Act is amended by adding the word “ paving ” after the words “ By-law of the said Corporation for.”

Sub-section 25
of sect. 35 re-
pealed.

“ 38. Subsection twenty-five of section thirty-five of the said Act is repealed, and the following substituted therefor :

Deposit of
assessment
rolls.

“ 25. On the completion of the said special assessment roll, the said assessor shall deposit the same, duly certified, along with a map or plan, designating all and every the pieces or parcels of land or real estate subject or liable for the said special assessment, in the office of the City Clerk ; ”

Term.

“ The said roll shall remain in the said office during fifteen days, for examination, from nine in the morning until four in the afternoon of each day, (Sundays and fêtes d'obligation excepted ; ”

Notice of depo-
sit.

“ Notice of the deposit shall be given under the signature of the said Clerk in at least two newspapers published in the French language, and two newspapers published in the English language in the said City, and twice in each of such newspapers ; and parties interested shall be informed in the said notice that every person who shall deem himself aggrieved by the said assessment roll may, within the said fifteen days from and after the first insertion of the said notice, file his complaint in writing and under oath, in the office of the Clerk of the Recorder's Court of the said City ; such oath may be administered by any Justice of the Peace for the City of Quebec, or by the Clerk or Deputy Clerk of the said Court ;

Complaints
may be filed.

Proceedings on
Complaints.

“ And thereupon proceedings shall be had upon the said complaint in the manner and form prescribed by law for the revision of the ordinary assessment rolls of the said city ; and
no

no complaint shall be allowed after the expiration of the delay aforesaid, under any form or before any court of justice whatsoever."

39. Subsection twenty-nine of the said section thirty-five shall be amended by inserting after the words "flagstone or brick foot path or side-walk," in the said subsection, the words "street crossings or wooden side-walks."

Sub-section 29 of section 35 amended.

40. The following subsection shall be added after subsection thirty-one of the said section thirty-five :

New sub-sect. to 31.

32. The assessments mentioned in the foregoing provisions of this section shall be recovered before the said Recorder's Court in the same manner as any Municipal assessment, tax, due or rate whatsoever, is recoverable before the said Recorder's Court under this Act."

Recovery of assessments.

41. After section thirty-five of the said Act, the following section shall be added :

New section.

" Hereafter the said City Council, when it shall deem it expedient, may place all works connected with the said city and the water-works thereof under the control of one department, which shall be called the Board of Works ; such board shall be managed by an officer to be called the Superintendent of Works ; he shall be entrusted with all the disbursements of the corporation except contingencies of office :

Board of civil works : chief officer.

" 2. He shall enjoy the attributes and shall be charged with the duties of the several officers whom he shall succeed in virtue of this Act ;

Duties.

" 3. His salary shall not in any case exceed five hundred pounds currency ;

Salary.

" 4. The Superintendent of Works shall not be dismissed otherwise than by a two-thirds vote of all the members of the Council, at a regular meeting ;

How removable.

" 5. The words *Superintendent of Works* shall mean City Inspector, Inspector of roads, streets, bridges, and chimneys, and Water Works Engineer ;

Interpretation.

" 6. In case the present City Inspector, Joseph Hamel, Esquire, shall retire in virtue of the present Act, and when the Superintendent of Works shall have been appointed, a yearly pension not exceeding eight hundred dollars, shall be granted to the said Joseph Hamel, in consideration of his advanced age and long services ; the pension shall commence only on and from the day of his retirement."

Pension to Joseph Hamel, Esqr.

New sub-sects.
to sect. 37.

42. After subsection twenty-six of the section thirty-seven of the said Act, the following subsections are added :

Estimates,
when to be
brought in.

" 27. The estimates of the expenditure and requirements of the public service for the then next fiscal year, shall be submitted to the Council, by the several committees appointed, after the members of the Council chosen at the annual election shall have taken their seats, and not later than the fifteenth day of February in each year, and shall be referred without delay to the Finance Committee ;

Examination of
them.

" 28. The Finance Committee, after having examined them conjointly with the resources of the Corporation, shall return them to the Council and suggest the ways and means ;

Ways and
means.

" 29. The ways and means shall be voted before the appropriations ;

Appropriations.

" 30. The appropriations shall be specific and shall be divided into categories or chapters ;

Salaries.

" 31. The salaries of the officers both of the Corporation and of the Water Works shall form one division of the budget, and the names of those officers with their titles and salaries respectively shall be entered upon one list ;

Office contin-
gencies.

" 32. The office contingencies of the different departments shall form one division of the general budget, and the City Clerk shall, after they have been voted, distribute them under the direction of the Mayor, to each office as they may require them ;

What to in-
clude.

" These contingencies shall include advertisements, printing, stationery, and all office necessities ;

Duties of com-
mittees.

" 33. The standing or select committees of the Corporation, shall not hereafter order or cause work to be done, nor expend money, nor take any initiative involving the expenditure of money ;

The same.

" 34. The duties of the committees shall simply consist in ascertaining and making known to the Council the requirements of the civic service ;

Finance com-
mittee.

" 35. The Finance Committee shall have the management of the finances and of the accounts, and no sums of money except in cases with respect to which other provision is made by law, shall be paid without the signatures of the Mayor, the Chairman and another member of the committee ;

Votes of mayor,
&c.

" 36. The Mayor may take part in the discussions and vote in all committees of the Council, and the Chairman shall only have a casting vote in the case of an equal division ;

" 37. The accounts, both of the Corporation and the Water Works, shall be directly under the control of the Treasurer of the City, who shall nevertheless keep distinct accounts of the revenue and expenditure of the two departments for the purposes specified in the law ;

" 38. No debenture or cheque shall be payable or valid until it has received the signature of the Mayor and the Treasurer ;

" 39. The Treasurer shall deposit the money of the Corporation in one or more of the chartered banks of the said city ;

" 40. It shall be the duty of the Mayor to sue in the name of the Corporation, for the recovery of all sums of money belonging to the Corporation unlawfully expended by any officer thereof, and which the Corporation shall have been obliged to pay by reason of any contract, promise or engagement, or written or verbal order, and the recovery of any such sum of money shall be sued for against the officer or employee who shall have so unlawfully expended it or caused it to be expended."

43. Subsection sixteen of section thirty-six of the said Act is repealed, and the following substituted therefor :

" 16. If any person shall prevent the said Corporation or any person employed by the said Corporation, from erecting, repairing or completing any of the works of the said Water-works, or from exercising any of the powers and rights accorded by this section, or shall embarrass or shall interrupt them in the exercise of such rights, or cause any injury to the said Water-works, apparatus or accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said Water-works, or the apparatus or accessories thereto belonging, or any portion thereof, or shall cause the same to be done by others, such person shall, on conviction before the said Recorder's Court, be punished by a fine not exceeding one hundred dollars, or by an imprisonment not exceeding three months, or by both at once, at the discretion of the said Court, without prejudice to the damages caused, which the said Corporation may recover, together with costs of suit, by an action before the said Court, and the said Court shall proceed in the said action as prescribed by the law regulating the said Court."

44. Hereafter the Council shall not have power to make any contract for the supply of water to be furnished to any brewery, distillery, tannery or other buildings mentioned in subsection twenty-seven of the said section thirty-six, for manufacturing purposes, or for workshops or industrial establishments, for a longer period than five years.

Subsection 1
of sect. 38 re-
pealed.

45. The first subsection of section thirty-eight of the said Act shall be repealed, and the following substituted therefor :

Recovery of
fines, &c.

" Every fine and penalty imposed by the said Act, or by the present Act, for the punishment of any offence committed against the provisions of the said Act, or of this Act, or of any by-law in force, or which shall be in force in the said city, shall (unless it be otherwise expressly provided by the said Act, or this Act,) be sued for before the said Recorder's Court, and heard and decided in a summary manner, in conformity with the law regulating the said Court, and enforced by the payment of the fine and costs, or in default of payment, by the imprisonment of the defendant for a period not exceeding two months, in the discretion of the said Court, unless the fine and costs, together with the costs of imprisonment, be sooner paid, notwithstanding anything to the contrary in the said by-laws ;"

Council not
to remit fines
without ap-
proval of Re-
corder.

" And no such fine, after conviction or judgment, shall be remitted in whole or in part by the said Council, except with the approval of the Recorder of the said city, given to any application made to the Council by a defendant for the remission of the fine and costs to which he may have been condemned by the said Recorder's Court."

MISCELLANEOUS PROVISIONS.

Further sum
to be raised
for complet-
ing St. John's
Gate.

46. Whereas by the Act twenty-seventh and twenty-eighth Victoria, chapter fifty-nine, intituled : *An Act to authorize the Council of the City of Quebec to issue debentures for the enlargement of the gates of the said city*, the Council is authorized to issue debentures to an amount not exceeding twenty-four thousand dollars ; and whereas the said amount has not been found sufficient, the Council is authorized to issue, in addition to the said twenty-four thousand dollars, an amount not exceeding ten thousand dollars, to enable the said Council to complete the construction of St. John's Gate, in the manner it may deem most expedient :

Act 27, 28 V.,
c. 59 to apply.

2. All the provisions of the said Act twenty-seventh and twenty-eighth Victoria shall in every respect apply to debentures which may be issued under this Act, both as to the special tax to pay the interest on the ten thousand dollars, and to the sinking fund connected therewith ; except that the maximum rate of interest on the said debentures shall not exceed seven per cent ;

\$30,000 for
fire alarm, and
fire stations.

3. The said Council may issue debentures to the amount of thirty thousand dollars, for the purpose of raising a like sum, to be applied to the construction of a Fire Alarm Telegraph and Fire Stations ; and to such debentures all the provisions of the Act hereby amended as to the payment of the interest thereon, and the Sinking Fund for paying off the principal shall apply ;

4. The said Council may acquire or lease beyond the limits of the city, such grounds or places as they may deem expedient for the deposit of rubbish and filth, and may, by by-law, compel the inhabitants of the city to remove to and deposit at such places, all rubbish and filth ordered by any by-law to be removed from the premises of any such inhabitants respectively.

Deposit of
filth outside
the city.

47. The foregoing provisions shall be considered as forming one and the same Act with the Act twenty-ninth Victoria, chapter fifty-seven, as amended by this Act.

This and Act
amended to
form one Act.

RECORDER'S COURT.

48. Any suit or action that could before the passing of the present Act, be brought by one of the Revenue Inspectors, under sections thirty-six and thirty-seven of chapter six of the Consolidated Statutes for Lower Canada, may hereafter be instituted in the name of the said Corporation, or of any police constable of the said City, before the said Recorder's Court; and proceedings shall be had in such suit, in accordance with the law regulating the said Court.

Actions un-
der 14, 15 V.,
c. 100, s. 42,
may be brought
before Recor-
der's Court.

49. Subsections two, three and four of section six of the Act twenty-fourth Victoria, chapter twenty-six, respecting the Recorder's Court, are repealed, and the following substituted therefor:

Certain sub-
sections of
sect. 6 of 24 V.,
c. 26, repealed.

"2. His salary shall not exceed two thousand dollars per annum, payable monthly out of the funds of the said City by the Treasurer of the said City;"

Salary of Re-
corder.

"3. The Recorder of the said City, by an instrument in writing under his hand and seal, to be deposited, filed and recorded in the office of the Clerk of the said Court, may appoint some person to act as his deputy whom he may dismiss and appoint another in his place; such deputy shall be an advocate of Lower Canada of at least five years standing; in the event of the illness or absence from the said City of the Recorder either in virtue of the law, or in virtue of leave of absence granted to the said Recorder by the Governor of the Province, or in case of the legal recusal or other disability of the latter, the said deputy shall have and exercise in such cases only, all and every the powers granted by law to the said Recorder; Provided that the Governor in Council may at any time disallow the appointment of any such deputy; the said deputy, for such service, shall be paid by the Recorder;"

He may ap-
point a deputy.

When to act.

Proviso.

To be paid by
Recorder."

"4. After the passing of the present Act, the said Recorder's Court may be held by the said Recorder or his deputy as afore-said;"

May hold the
Court.

"5. In case of the death of the Recorder, the said deputy shall act as such until the Governor shall have appointed a Recorder in accordance with the law."

To act on
death of Re-
corder.

Exclusive jurisdiction in certain cases.

50. The said Recorder's Court shall have exclusive jurisdiction and shall hear and decide summarily and in accordance with the law regulating the said Court in the matter of any offence committed against the provisions of the Act twenty-ninth Victoria, chapter fifty-seven, or against the provisions of this Act or the by-laws now in force or which shall hereafter be in force in the said City :

From what places offender may be summoned.

2. In all cases of offences against the provisions of the Act twenty-ninth Victoria, chapter fifty-seven, or of the present Act, the said Recorder's Court may summon the offender from any place within any of the districts of Quebec, Beauce and Montmagny, to appear before the said Court, or may issue a warrant against him to bring him before the said Court.

Writs of execution.

51. Every writ of execution issued from the said Recorder's Court, against the goods and moveable effects of a defendant, may be executed in any district of Lower Canada, and shall be addressed, when the defendant or his goods are not within the district of Quebec, to the Sheriff of the district in which the defendant or his said goods may be ; otherwise the said writ shall be addressed to any bailiff of the Superior Court or of the said Recorder's Court, who shall proceed thereupon as in cases of executions issued from the courts of original civil jurisdiction :

When execution may issue.

2. No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered ;

Return of such writ.

3. The said writ shall be returnable into the said Court on the day fixed by such writ, or on any other day on which the said Court shall direct the Sheriff or Bailiff having such writ to make such return ; and any refusal or neglect to make such return as prescribed by this section, shall be punished as a contempt of Court in the manner prescribed by section sixteen of the Act twenty-fourth Victoria, chapter twenty-six.

Appeal allowed in certain cases to the Circuit Court.

52. In all civil cases before the Recorder's Court, where the sum or penalty demanded or permitted to be awarded, exceeds twenty dollars, an appeal shall lie to the Circuit Court, and such appeal may be instituted upon the party appealing giving the same security and subject to the same provisions and procedure as are adopted in appeals from judgments rendered by virtue of the Act respecting Municipalities and Roads in Lower Canada ; and the Circuit Court shall have power to adjudicate finally upon such appeals whatever may be the amount involved.

Verbal complaint sufficient in case of arrest on view.

53. In all cases where a person shall be arrested on view by a police constable of the said city, for an offence against the provisions of the Act twenty-ninth Victoria, chapter fifty-seven, hereinbefore

hereinbefore cited, or of the Act chapter one hundred and two of the Consolidated Statutes for Lower Canada, or of any Act amending the said chapter one hundred and two, or of the present Act, or of any by-law now in force or which shall be in force in the said city, it shall not be necessary that the complaint be reduced to writing; but a verbal complaint under oath made before the said Recorder's Court by the constable who shall have arrested such person, shall be deemed a sufficient complaint :

2. If such person demand that the complaint be reduced to writing, the said Court shall direct the Clerk of the said Court to reduce the said complaint to writing.

May be reduced to writing.

54. The Clerk of the said Recorder's Court shall conduct before the said Court all actions instituted in the name of the Corporation, except in cases where the said Corporation shall deem it expedient to appoint an attorney or to associate him with counsel.

Clerk to conduct cases.

55. The said Clerk shall keep a record of all convictions pronounced by the said Recorder's Court; setting forth the names of the defendants, the nature and date of the offence, the date of the conviction, the amount of the fine or other penalty imposed; and such record shall suffice, notwithstanding any law or usage to the contrary :

What record of convictions shall suffice.

2. In the event of the death of the said clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the Council.

Death of Clerk.

56. The said clerk shall be governed at all times by the orders he may receive from the Recorder or from the said Recorder's Court, as to the management, administration, keeping and arrangement of the office of the Court, and shall be under the exclusive control of the said Recorder as to all matters relating to his office; the said Recorder may suspend the said clerk from his functions, and report such suspension to the Mayor of the city; such suspension shall not take place except for a violation by the said clerk of the duties and obligations imposed on him by the law; and during such suspension the deputy clerk shall discharge the duties of the said clerk :

Clerk to be subject to Court.

Suspension of Clerk.

2. The Mayor shall communicate the Report of the Recorder to the Council, who may dismiss the said clerk ;

Report to Council.

3. The said clerk and his deputy shall take an oath of office before the said Recorder's Court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk ;

Office of oath of clerk and deputy.

Taking depositions, &c.

4. Any affidavit or deposition under oath required in civil matters in any cause, action or process before the said Recorder's Court or to be submitted to the said Court, may be made before the said clerk or his deputy; and if any oath taken in pursuance of this provision be false to the knowledge of the party taking such oath, such party shall be punished in accordance with the law against perjury.

Prosecutor denying any exemption, &c.

57. If in a complaint or summons made for an offence within the jurisdiction of the said Recorder's Court, the prosecutor negatives any exemption, exception, proviso or condition in the statute or by-law on which such complaint or summons is founded, it shall not be necessary for the prosecutor to prove such negative; but the defendant must prove that his case is covered by or falls within the scope of such exemption, exception, proviso or condition, in his defence, if he would take advantage of the same.

Sect. 38 amended.

58. Subsection thirteen of section thirty-eight of the Act twenty-ninth Victoria, chapter fifty-seven, above cited, is repealed, and the following substituted:

Powers as to incidental proceedings.

"13. The said Recorder's Court and the said Recorder, with respect to all civil actions, matters and proceedings within the jurisdiction of the said Court, shall as regards actions *en garantie*, incidental demands or demands in intervention, or any exception, defence or incident whatsoever during the suit, and as regards opposition under any form whatsoever to the execution of a judgment of the said Court, and other matters and things relating to the said judgment, have all and every the powers and authority which would be enjoyed in such cases by the Superior or Circuit Court of Lower Canada, and the judges of the said Courts, if such actions, matters or proceedings had been instituted or brought before the said Superior or Circuit Court instead of before the said Recorder's Court."

Tariff of fees may be made.

59. The said Recorder's Court shall have power to make a tariff of the costs and fees to be demanded and levied by the Clerk, the Bailiffs and other officers of the said Court, and may repeal, alter and amend such tariff; but the said tariff and the amendments thereto shall not be binding until the same shall have been approved by the Governor in Council.

Subject to approval of Governor in Council.

Execution against prosecutor or informer for non-payment of costs, in certain cases where the suit is dismissed.

60. In all cases where an action for the recovery of a fine or penalty shall be instituted before the said Recorder's Court, at the instance of the said Corporation, on the information of any person whomsoever, or in the name of any such person, if the action is dismissed, the said Court may at its discretion condemn the said person to pay the costs and charges incurred by the adverse party in such action, and in default of payment, may direct the levying of such costs by a writ of seizure and execution against goods and chattels as in civil matters.

61. In all cases where in any summons or process in civil or criminal matters there shall be variance between the allegation in the proof relative to the christian or surname, the addition, description, or residence of any party mentioned in such summons or process, or to any other fact alleged in such summons or process, the said Court may at any stage of the case, before, during or after the *enquête*, or before judgment or conviction, at the request of an interested party, direct the amending of such process or summons; if necessary, and allow the adverse party a sufficient delay to prepare a defence to the summons or process so amended, if the party require it for the ends of justice.

Amendment
of errors in
summons, &c.

62. The said Recorder or the said Recorder's Court, on the complaint made under oath of any father, mother, tutor or guardian of any minor child of either sex, that such minor has without reasonable cause, abandoned or left the domicile of his or her father, mother, guardian or other person entrusted with the care or keeping of such minor, and that such child is concealed or living in any place whatsoever within the District of Quebec, may cause to issue from the said Court a warrant for the arrest of the said minor, and directing that he or she be brought before the said Court, and the said Court after hearing the parties or their attorneys, shall, if it deem it just, order the said minor to return to the domicile of such father, mother, or guardian or other person aforesaid; the said warrant may be addressed to the Sheriff of the District, or to a Bailiff of the Superior Court or of the said Recorder's Court:

Warrant to
arrest minors
abandoning
their homes.

To whom to
be addressed.

63. Any master or mistress, or any person being master or mistress of a house of prostitution, house of ill-fame, disorderly house, or house reputed to be so, who shall receive, lodge, keep, or conceal, or who shall detain by compulsion in any such house, a minor female child, or who shall incite or induce in any manner or by any means whatsoever, a female minor to abandon or leave the dwelling of her father, mother, tutor, guardian or other person having the care or charge of such minor, and to live, reside or stay in a house of prostitution, or house of ill-fame, disorderly house or house reputed to be so; or

Receiving
females under-
age into
houses of ill-
fame, &c.

Any person who shall invite or induce in any manner or by any means whatsoever a female minor to commit any of the acts mentioned in the present section, may on complaint made under oath before the said Recorder's Court, by the father, mother, tutor, guardian, or person having the care or keeping of such minor, or of any relative or friend of such minor, be indicted and brought before the said Recorder's Court, and on conviction or many conviction of the offence before the said Court, shall be condemned to pay a fine not exceeding two hundred dollars, or imprisonment for a period not exceeding six months, or to both fine and imprisonment, in the discretion of the said Court.

Or inviting
them to enter
the same.

Penalty.

Warrant of commitment to be executed in any district.

63. Any warrant of commitment after judgment, issued from or by the said Court, may be executed in any judicial district of Lower Canada, by the Sheriff of the district in which the person against whom such warrant shall have been issued may be or be found; and in such case, the Sheriff to whom such warrant is addressed, shall, without delay, make a return to the said Court of every thing done by him in execution of such warrant, and any delay on his part shall constitute a contempt of the said Court, and shall be punished accordingly.

Imprisonment under more than one conviction.

64. In all cases, where a defendant shall have been condemned to imprisonment, or to imprisonment in default of payment of the fine imposed and of the costs, under different convictions, each additional period of imprisonment shall commence only at the expiration of a proceeding period of imprisonment.

SALE OF LIQUORS.

Closing taverns from Saturday night to Monday morning.

65. Every person licensed or not licensed to sell in the said city, spirituous liquors, wine, beer or temperance liquors, shall close the house or building in which such person sells or causes to be sold such spirituous liquors, wine, beer or temperance liquors, from twelve o'clock in the night of each Saturday until six o'clock in the morning of the following Monday; and during that period of time, no such person shall sell or cause to be sold in such house or building or any other place, any spirituous liquor, wine, beer or temperance liquors, under pain of a fine not exceeding one hundred dollars, and in default of payment, of an imprisonment not exceeding two months.

SPECIAL TAX, IN 1866.

Special tax imposed in 1866, declared valid.

66. Whereas the City Council, on the ninth day of February one thousand eight hundred and sixty-six, passed a by-law imposing a tax of fifteen cents in the pound of the annual assessed value of real property in the said City, to meet the deficit of the first four months of the year one thousand eight hundred and sixty-six, and doubts may exist as to the legality of the said tax, and whereas it is expedient to remove all doubts in that respect, it is hereby enacted and declared that the special tax hereinabove mentioned is valid and legal, and that the treasurer could and can require payment thereof in the same manner as of all other taxes and assessments established in virtue of the Act twenty-ninth Victoria, chapter fifty-seven, hereby amended; and it is also declared and enacted that the by-law passed by the said Council on the twenty-seventh day of April, one thousand eight hundred and sixty-six, consolidating the by-laws to provide funds for the expenses of the said city, is and has been legal and binding to all intents and purposes whatever; Provided always, that no person shall be liable to any penalty for infringement of the said by-law before the passing of this Act; nor shall any party to any suit pending, in

And also By-laws of 27th April, 1866.

Proviso.

in which the legality of the said by-laws is questioned, be rendered liable to any condemnation of costs in consequence of the passing of this Act.

INTERPRETATION, &c.

67. Section thirty-nine of the Act twenty-ninth Victoria, chapter fifty-seven, in so far as regards interpretation, shall apply to all the provisions of this Act; and this Act shall be a Public Act.

Interpreta-
tion
Public Act.

68. Any Act, or portion of an Act, contrary to the provisions of this Act, or incompatible therewith, is repealed.

Repeal of
contrary pro-
visions.

CAP. LVIII.

An Act to extend the powers of the Trinity House of Quebec.

[Assented to 15th August, 1866.]

WHEREAS it is expedient to extend and explain the powers and duties of the Trinity House of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Every master or person in charge of a sea-going vessel, which shall be wrecked or suffer damage by collision, or by being stranded or by foundering, or by loss of spars, within the Gulf or River St. Lawrence, and being within the limits of the port of Quebec, shall in person inform the Harbour Master of Quebec thereof, within four days after the arrival of such master or other person in the harbour of Quebec, if such casualty occurs outside the harbour of Quebec, or within two days if such accident occurs within the said harbour, under a penalty not exceeding forty dollars.

Masters of
vessels
wrecked, &c.
to inform the
Harbour Mas-
ter, within a
certain time
after arrival.

2. It shall be lawful for the Harbour Master to submit questions in writing to such master or person, touching such casualty, or to summon such master or person to appear before him to be examined regarding the same; and in default of so answering such questions in writing, or attending when summoned, as aforesaid, such master or person in charge shall incur a penalty not exceeding forty dollars for every day of such neglect or refusal.

Master to
answer ques-
tions.

Penalty for
refusal.

3. The said Harbour Master shall have power to administer in oath to such master or person, and to compel his attendance in the same manner that the Trinity House of Quebec can compel the attendance of witnesses; and the said Harbour Master may, if he considers it advisable, not only submit such questions, but also examine verbally such master or person; and

Harbour Mas-
ter may com-
pel attendance
and examine
on oath.

he

he is also empowered to summon before him and examine on oath, as a witness, any other person or persons, to give evidence in such investigation, and to compel his or their attendance, as aforesaid.

How far only the powers of the Trinity House are altered by certain acts

4. Save as to the power to prescribe the limits of the ballast ground, and the power to prevent injury to and encroachments on the beaches of the rivers St. Lawrence, Cap Rouge, Montmorency, St. Charles and Beauport, conveyed to the Quebec Harbour Commission by the Acts twenty-second Victoria, chapter thirty-two, and twenty-fifth Victoria, chapter forty-six, the powers of the Trinity House of Quebec are not altered, restrained, or repealed, in any way by the said last mentioned Acts.

As to anchors, &c., dropped in the Port of Quebec and unclaimed.

5. In all cases where anchors, chains or other effects have been dropped or lost within the limits of the port of Quebec, and when the same shall not have been claimed within twelve months from the date of their being so dropped or lost, the said anchors, chains or other effects, shall, at the expiration of such time, be considered as unclaimed property, and shall be dealt with accordingly.

Recovery of penalties and enforcing Act.

6. The penalties hereinbefore mentioned shall be recovered before the Trinity House of Quebec, with costs; and the said Trinity House shall have the same power to enforce this Act as it now has to enforce its orders and by-laws.

Repealing clause.

7. All laws, by-laws, or portions of by-laws, inconsistent with the above enactments, are hereby repealed.

C A P . L I X .

An Act to amend the Act incorporating the City of Three Rivers.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is desirable to amend the Act passed in the twentieth year of Her Majesty's reign, intituled: *An Act to make more ample provision for the incorporation of the Town of Three Rivers*, and the Acts subsequently passed amending the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Deputy Mayor to be elected.

1. It shall be the duty of the Council of the said city, and the said Council is hereby authorized, at the first meeting thereof in the months of January, April, July and October in each year, to elect one of its members to perform the duties of Mayor during the absence or sickness of the Mayor of the said city, and the Councillor so elected shall be called Pro-Mayor when performing as aforesaid the duties of Mayor, or
in

in the event of the office of Mayor of the said city becoming vacant, the said member so elected shall have and exercise, during such vacancy, and until the next election, the powers and authority legally vested in the Mayor of the said city, in which case he shall take the name and title of Mayor.

His powers.

2. When one of the members of the Council of the said city shall be elected Mayor, his seat as such Councillor shall immediately become vacant, and it shall be the duty of the said Council, at the meeting following the said election, to proceed to the choice and nomination of a qualified person to replace the Councillor whose seat has so become vacant.

Councillor to replace Councillor appointed Mayor.

3. If any person neglects to pay the amount of any tax or assessment imposed by the by-laws of the said corporation, for the sweeping of the chimnies of houses in the said city, the Secretary-Treasurer shall collect the said tax or assessment in the same manner as the other assessments imposed by the said Council, in accordance with the formalities prescribed by the second and third subsections of section thirty-nine of the Act aforesaid; but the said Secretary-Treasurer shall not be bound to comply with the provisions of the first subsection of the said section thirty-nine.

Collection of chimney dues.

4. Any councillor of the said city shall have and exercise hereafter, as fully as the Mayor, the powers and duties vested in the Mayor of the said city by the first section of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-one, in so far as it relates to penalties inflicted on strangers refusing to pay taxes imposed on them, and the provisions of the section aforesaid shall apply also to persons liable to capitation tax as well as to strangers.

Powers as to penalties on strangers, &c.

5. Except in the discharge of any duty imposed by law no person shall, without the permission of the proprietor or occupant, pass upon any lot of land situated within the limits of the said city, and any person contravening the provisions of this section may be prosecuted by such proprietor or occupant before one or more Justices of the Peace residing in the said city, and it shall be the duty of such Justice or Justices, upon the deposition of one credible witness, other than the party complaining, to condemn such person for every offence to pay a fine of not less than one nor more than five dollars and the costs, and in default of payment by the person so condemned, to commit him to the common gaol until payment by him of the fine and costs.

Punishment of persons committing trespasses.

6. The City Council may cause winter roads to be laid out across any field or enclosure, excepting orchards, gardens, yards or other lands enclosed with hedges.

Winter Roads.

French name
of the City.

7. And whereas in the French text of the several statutes passed by the Parliament of this Province, the said corporation is sometimes designated by the name of "*La cité de Trois Rivières*," and in others by the name of "*La cité des Trois Rivières*," it is hereby declared that either of the said designations, when used in any proceeding, deed, or by-law, or relating to the said corporation, is and shall be legal and considered to be correct.

Inconsistent
enactments
repealed.

8. All and every the provisions of the laws in force in relation to the Corporation of the said city, inconsistent with the provisions of this Act, shall be and are hereby repealed from and after the passing of this Act.

Public Act.

9. This Act shall be deemed a Public Act.

C A P . L X .

An Act to incorporate the Town of St. Ours.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS, from the increase of the population of the Village of St. Ours, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making, and whereas the Municipal Council of the said village has represented that it is necessary that more ample provisions be made in that behalf, and that the said Village be incorporated as a Town under the name of the Town of St. Ours: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Town of St.
Ours incor-
porated.

1. From and after the passing of this Act, the inhabitants of the Town of St. Ours as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate in fact and in law, by the name of the Mayor and Council of the Town of St. Ours, and separated from the County of Richelieu for all Municipal purposes ; and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real and moveable, for the use of the said Town ; of becoming parties to any contracts or agreements in the management of the affairs of the said Town ; and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

General
corporate
powers.

2. The said Town of St. Ours shall be bounded on the north-west by the River Richelieu, and in the rear to the south-east by a line drawn at the extremity of the emplacement of the said town hereinafter described, on the north-east side by the north-east line of the domain of Madame de St. Ours, and on the south-west by the north-east line of the farm of Léon Chapdelaine, Esquire, commencing at the said north-east line of the domain of Madame de St. Ours aforesaid, on the side nearest to the south-east bank of the River Richelieu; thence running from the said line towards the south-east six arpents and one perch to the rear of the south-east line of the said town; thence towards the south-west, across the said domain and along the emplacement aforesaid, seven arpents three perches and six feet, more or less, to the north-east line of Léon Chapdelaine aforesaid; thence towards the north-west along the said line, six arpents and three perches, more or less, to the bank of the river aforesaid; thence towards the north-east along the said river to the point of departure, containing one hundred and eight arpents and ninety-nine perches, the said boundaries and limits of the said town being the same as those established by proclamation of the Governor of this Province, dated the sixteenth day of February, in the year of Our Lord one thousand eight hundred and forty-seven, erecting the former Village of St. Ours.

Boundaries of
the town.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, seven fit persons, who shall be and be called the Councillors for the Town of St. Ours; and such Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of St. Ours.

Constitution
of Town
Council.

4. No person shall be capable of being elected Councillor of the Town of St. Ours, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of three hundred dollars, after payment or deduction of his just debts:

Qualification
of councillors.

2. No person shall be capable of being elected Councillor of the said Town of St. Ours, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Further pro-
vision.

3. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, nor salaried civil officers, nor any person accountable for the revenues

Disquali-
fication.

revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partners any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Councillor for the said Town; provided always, that no person shall be held incapable of being elected Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town;

Certain persons
not bound to
accept office.

4. The following persons shall not be obliged to accept the office of Councillors of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years of age, and the Members of the Council of the said Town, who have been so within the last two years; and the persons who shall have filled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Qualification
of electors.

5. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time as proprietors by themselves or their wives of real property in the said Town, and who have been so for at least six months, and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent during the year immediately preceding the election, on a dwelling-house, or part of a dwelling-house, at the rate of not less than twelve dollars per annum; provided always, that no person qualified to vote at any Municipal Election in the said Town, shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful for any candidate at the said election and the persons presiding over the said election to require the production of the receipts setting forth the payment of such assessments so due as aforesaid.

Must have paid
all taxes.

Present coun-
cillors to re-
main in office
until first
elections un-
der this Act.

By-laws, &c.,
to be in force
until repealed,
&c.

6. The Councillors of the said Town, who are at present in office, shall remain in office until the elections, which are to take place by virtue of this Act, and all by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Village of St. Ours, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and
the

the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Village of St. Ours, as heretofore constituted.

7. The Municipal Elections for the said Town shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the door of the church of the parish of St. Ours, and in the Market of the said Town, and read at the door of the said church, at the issue of Divine Service in the morning of Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the present Mayor of the village of St. Ours, or in his absence by the Registrar of the County of Richelieu, and shall specify the day, the place and the hour upon which such election shall be held for the said Town; and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the Town, and shall specify in like manner the day, place and hour upon which the said elections are to take place in the said town.

Time for holding elections.

Notice.

Subsequent elections.

8. Before the publication of the notice announcing such election, the present Council of the village of St. Ours, for the first election to take place in the month of January next, and afterwards the Council of the said Town for subsequent elections, shall appoint one of their number to preside at and to conduct such election, and shall specify the place where it shall be held; such Councillor having under him a deputy, appointed and paid by the Council; such Deputy shall have the qualifications necessary to entitle him to vote at such election, and if he think fit, it shall be lawful for him to have a poll-clerk, whom he shall appoint by a writing under his hand; and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the clock in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the closing of the poll, the deputy shall declare the seven persons who shall have obtained the greatest number of votes to be duly elected Councillors of the said town, and in case the candidates have an equal number of votes, the Deputy acting at the poll shall give his casting vote:

President at first election and mode of proceeding thereat.

Poll.

Declaring candidates elected.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the Deputy shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes, and he shall close the election at the hour of four in the afternoon of the second day, and shall then declare duly elected Councillors, such of the candidates as shall be entitled to be so declared elected;

Adjournment of poll to second day, if all votes not polled.

Closing poll
if one hour
elapses without
a vote.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the Deputy to close the said election and declare duly elected as Councillors, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

Proviso.

Term of
office.

4. The Councillors elected at any of the Municipal Elections shall remain in office during two years;

Subsequent
elections.

5. The subsequent annual elections of Councillors for the said town shall take place in the same manner and within the same delays as the first;

Oath of deputy
or poll clerk.

6. Before proceeding to the holding of any election in virtue of this Act, the deputy or poll-clerk shall take the following oath which the Councillor presiding, or any other Councillor, or any justice of the peace, residing in the said Town, is hereby empowered to administer, viz:

Form.

"I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of Deputy-Returning Officer (or of Poll-Clerk), at the election, which I am about to hold, of a person or persons to serve as Councillor of the said Town of St. Ours. So help me God."

Persons pre-
siding at elec-
tions to be
conservators of
the peace.

7. The Councillor presiding, and the deputy at any Municipal election in the said town, shall, during such election, be conservators of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law and disturbers of the peace, as are vested in the justices of the peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person presiding at an election to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary, or be required so to do by five electors.

Notice to be
given to persons
elected.

9. The person presiding at any election shall, within two days from the closing of the election, give to each of the Councillors so elected, special notice of his said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors:

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll-book kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

Poll books, &c.,
to be delivered
up.

Copies.

3. In every election held in virtue of this Act, the poll-book containing the names of the voters and other matters shall be attested under oath by the deputy, who shall have presided at such election before the Councillor presiding at such election, or any justice of the peace ; and such presiding Councillor or justice of the peace is hereby authorized to administer such oath, and the said oath shall be in the form following, and shall be written in whole or in part on the last page of the said poll-book, containing the names of the electors :

Poll book to be
attested on
oath.

" I, A. B., swear that the poll-book kept by me at the municipal election for the town of St. Ours, is true and correct to the best of my knowledge and belief. So help me God."

Oath.

And the said poll-book, so sworn to, shall be deposited in the office of the Secretary-Treasurer of the said town, by the said deputy, within the three days next after such election ;

Deposit of Poll
book.

4. The first session of the Council, after the first election, shall take place within fifteen days immediately following the said election, and at such meeting the Councillors elected shall take the following oath before a Justice of the Peace :

First session of
Council.

" I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Council of the town of St. Ours, to the best of my judgment and ability : So help me God."

Oath of office.

And the members then present, provided they form a majority of the Council, shall at once proceed to elect from amongst themselves, by a majority of the votes of the members present, a mayor for the said town, who shall remain in office for the time for which he was elected councillor ; and immediately after they shall be authorized to act as the Council, and all members absent without just cause, shall be held to have refused the office, and shall be liable to the fine hereinafter provided in like cases, unless they be persons who are exempted from serving ;

Councillors to
elect a mayor
from among
themselves.

5. The Councillors elected at the elections subsequent to the first, shall enter office on the day of their nomination, and a meeting of the Council shall take place within fifteen days after, in the same manner as after the first election, and the Councillors elected shall take the same oath, and shall proceed to

The same after
subsequent
elections.

to the election of the Mayor as aforesaid, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving ;

Quorum.

6. Four members of the Council shall constitute a quorum ;

Election expenses.

7. The expenses of every election shall be defrayed out of the funds of the Corporation.

Provision in case person elected refuses to act.**New election****If an election be declared null.**

10. In any case in which one of the persons so elected shall refuse to act as Councillor, or in case his election, being contested, shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor, within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and if the election shall have been declared null, the electors of the town shall proceed to a new election for such Councillor, and in that case the poll shall be held at a place fixed by the said Council, in the said town, and the said election shall be conducted in the same manner as in ordinary elections :

Provision in case of vacancy by death, &c.**New election.****Proviso : remaining councillors may act.**

2. In case of the death of a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or after the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Councillor to replace the Councillor so deceased, absent or rendered incapable, as above mentioned ; and in case the votes of the said Councillors are equally divided in the appointment of a person to replace a Councillor, the election shall proceed in the manner mentioned in the preceding paragraph ; provided, however, that notwithstanding the decease, absence, or inability to act of the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil had not such decease, absence, or inability to act on the part of the said Councillor, taken place ;

Term of office of new Councillor.

3. Every Councillor elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Oath of presiding officer at election.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say :

" I do solemnly swear that I will faithfully and impartially, Form.
 " to the best of my judgment and ability, discharge the duties
 " of presiding officer at the election which I am about to hold
 " for persons to serve as members of the Town Council of St.
 " Ours. So help me God."

12. The officer presiding at any election under this Act Officer presiding at elections to examine candidates upon oath.
 and his deputy shall have authority, and they are hereby
 required, at the request of any persons qualified to vote at
 such election, to examine upon oath (or affirmation, when the
 party is allowed by law to affirm) any candidate for the office
 of member of the said Town Council, respecting his quali-
 fication to be elected to the said office; and shall also have
 authority, and they are hereby required, upon such request as
 aforesaid, to examine upon oath (or affirmation) any person
 tendering his vote at any election, and the oath to be admin-
 istered by the presiding officer in both cases shall be in the
 form following :

" You swear that you will true answer make to all questions Oath.
 " put to you by me in my capacity of presiding officer at this
 " election, respecting your qualification to be elected a mem-
 " ber of the Town Council, (or respecting your qualification to
 " vote at this election, *as the case may be*): So help you God."

And the presiding officer shall himself put the questions which Further ques-
tions.
 he shall deem necessary.

13. If any person being examined upon oath or affirmation False swear-
ing to be per-
jury.
 under this Act, as to his qualification to be elected or to vote,
 shall wilfully forswear himself, he shall be deemed guilty of
 wilful and corrupt perjury, and, on conviction thereof, shall be
 subject to the same penalties as in other cases of wilful and
 corrupt perjury.

14. The said Town Council shall meet at least once in each Times and
places of
meeting of
Councils, &c.
 month for the transaction of the business of the said town, and
 shall hold their sittings in the Town Hall or in any other place
 in the said town which shall have been set apart for the pur-
 pose, either temporarily or permanently; Provided always, that
 one or several members, not sufficient to form a quorum, may
 adjourn any meeting of the Council which may not have taken
 place for want of a quorum, and such members, though not
 forming a quorum, are hereby authorized to compel the atten-
 dance of absent members at the regular or adjourned meetings
 as aforesaid, and to impose such penalties upon such absent
 members for a repetition of the offence, as might be imposed
 by the said Town Council in the like case.

15. It shall be lawful for the Mayor of the said Town, whe- Special meet-
ings: how
called, &c.
 never he shall deem it necessary or useful, to call special
 meetings of the said Council, and whenever two members shall
 be

be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Contested
elections to
be decided by
Circuit Court.

16. If the election of all, or of one or more of the Councillors, be contested, such contestation shall be decided by the Circuit Court in and for the County of Richelieu :

By whom
contestable.

2. Every such election may be contested by one or more of the candidates, or at least ten of the electors of the said town ;

How brought
before Court.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation ;

Proceedings on
such contesta-
tion.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but no later ; nor shall any such petition be received unless security for costs be given by the petitioners in the presence of a Judge of the Superior Court, or of the Clerk of the Circuit Court for the said County of Richelieu, or his Deputy ;

When to be
commenced.

Security for
costs.

Order for proof.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation ; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order ;

Court to give
judgment.

6. The Court may on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case,
award

award costs to or against either party, which costs shall be taxed Costs. and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with the right of appeal brought in such Circuit Court; and Service of judgment. the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

7. If any defect or irregularity in the formalities prescribed As to informalities. for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the same, according as such defect or irregularity may, or may not, have materially affected the election.

17. In case it shall, at any time, happen that an election Provision in case annual election shall not be held. shall not be held, for any reason whatever, on the day when in pursuance of this Act it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be the duty of such members of the said Council as shall then be in office, to meet again for the purpose of fixing, as early as possible, a day for the holding of such election; and in such case the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty-dollars each, and such election shall then be held by the Clerk of the Circuit Court in and for the County of Richelieu, and in his absence by the Registrar of the County of Richelieu. Another day to be appointed.

18. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the rules of their proceedings. Meetings of Council to be public.

19. The Mayor of the said town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the Council; provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office; provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the councillors present shall choose one of their number to fill the place of the Mayor during the sitting. Mayor to preside. To have casting vote only. Proviso, if Mayor be absent.

Appointment
and duties of
the Secretary-
Treasurer.

20. 1. The Council, at its first general meeting or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of St. Ours :"

Custody of pa-
pers.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours, and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

Copies.

Security.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Mode of giving
security.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Notarial bond.

5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

Registration
of bond.

6. Every such security bond, when duly registered in the registry office for the County of Richelieu, shall carry with it a hypothec (*hypothèque*) only on such immovable property as shall have been therein designated; and it shall be the duty of the chief officer of the Council to cause it to be registered immediately on receipt thereof;

Receiving and
paying out
money.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer unless the same shall show sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

8. The Secretary-Treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

Keeping books
and accounts.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener, if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

Rendering ac-
counts to Coun-
cil.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

Books to be
open to inspec-
tion.

11. The Secretary-Treasurer, or any other person, who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof by way of damages, together with the costs of suit ;

Mode of com-
pelling him to
account and
pay over.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

*Contrainte par
corps.*

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council ;

Other officers.

14. Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

Delivering over
papers, &c.,
to successor.

His representatives to deliver in case of his death, &c.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or from his departure from Lower Canada ;

Successor to have right of action, &c.

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation ; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Council to appoint assessors.

21. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuers of property to estimate the rateable property in the said town, according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take an oath.

22. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or, before any Justice of the Peace, to wit :

Form.

" I, _____, having been appointed one of the assessors of the Town of St. Ours, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability : So help me God."

Qualification of assessors.

23. The assessors who shall be appointed for the said town shall be proprietors of real estate in the said town of the value of at least four hundred dollars.

Proceedings of Council upon deposit of assessment roll.

24. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors ; And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined by the Councillors ; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting ; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives ; and within that

To be open to inspection.

Appeal by parties aggrieved.

that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said town should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said town.

Closing the Roll.

Provide; as to great change of value.

Provide, property omitted.

Provide: merchandise.

25. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council to be auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace residing in the said Town, that is to say:

Appointment of auditors.

"I, _____, having been appointed to the office of Auditor of the Town of St. Ours, do hereby swear that I will faithfully perform the duties thereof according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by, or on behalf of the Town Council of the said Town of St. Ours. So help me God."

Oath of office.

26. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of or within the jurisdiction of the said Town Council, and may then remain unsettled; and to make their report to the Council of the said Town at least eight days before the day of the election.

Duties of auditors.

Qualification of auditors.

Proviso: who shall not be appointed.

27. The Auditors who shall be appointed for the said town shall be proprietors of real estate therein of the value of at least six hundred dollars; provided always that neither the Mayor, Councillors, nor Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Mayor to be Justice of the Peace.

28. The Mayor of the said Town shall, during the period of his office, be *ex officio* a Justice of the Peace for the said Town.

In what cases Councillors shall become disqualified.

29. Every person holding the office of Councillor of the said Town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of the Court of Queen's Bench, or of the Superior Court, or a member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a period of three consecutive months, without the permission of the Council, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act: provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Proviso.

Council may make by-laws for certain purposes.

30. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or occupied lots; for the prevention and suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said Town; and all the powers conferred by the Municipal Act of Lower Canada of 1860, and the Acts amending the same, upon any Municipal Council, and upon the Councillors and Officers thereof, not incompatible with this Act, are conferred upon the Corporation of the Town of St. Ours, the Municipal Council, the Councillors and the Officers of the said Corporation.

May appoint and remove

31. It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers

officers, constables and policemen, as they shall deem necessary for the due execution of the by-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

32. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary and advantageous public improvements of the said Town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable property in the said Town, the taxes hereinafter designated, that is say :

1. On all lands, town lots and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent on the dollar on their whole value, as entered on the Assessment Roll of the said town ;

2. On the following movable property, a sum not exceeding one half of a cent in the dollar on the value herein specified ;

Every horse, kept for covering mares, shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purpose, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two-horse sleigh, at eighty dollars ;

Every one-horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on the shelves in shops or kept in cellars or store-houses, a tax of one-half per cent. on the estimated average value of such stocks in trade ;

Tenants.

4. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Poll tax.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog or bitch kept by persons residing in the said town, an annual sum of not more than one dollar and fifty cents ; provided always, that no tax shall be paid for or in respect of any dogs kept by farmers on their farms ;

On certain occupations, trades, &c.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ;—and on pedlers and itinerant traders selling, in the said Town, articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ;—and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ;— and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses, in the said town ;—and on all money-changers, or exchange-brokers, pawn-brokers, and their agents, and on all bankers and banks, and their agents, and on all insurance companies or their agents ;—and generally on all commerce, manufactures, callings, arts, trades and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein ; and the workmen of all mechanical arts and trades, exercised in the said town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of movable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class ; and every person in the said town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually ; and the said Town Council may name a person or persons to make a roll of the persons and movable property mentioned in the different parts of this section ;

Workmen.**Professions.****Commutation for road labour.**

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say : of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said Town in repair, and to refuse the labor

labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always, that every such sum demanded for personal commutation shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it;

9. And the said Town Council shall also provide, by resolution, for the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom a revenue for the said Town.

33. The said Council shall also have power to make By-laws:

1. For the concession of lots, and for opening new streets in the said Town, to such extent as may, from time to time, be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding;

2. For determining and regulating the duties of the clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said market; and for fixing the duties to be paid upon waggons, carts, sleighs, boats, canoes and vehicles of all kinds in which articles may be exposed for sale in a public market or in a street, or on the beach bordering on such Town, or on that part of the river forming the front boundary of the said Town, and to determine the manner in which such vehicles shall be placed for such purposes;

3. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town;

4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets;

5. For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town;

Weighing and
measuring cer-
tain articles.

6. For regulating the weighing and measuring of all cord-wood, coals, salt, grain, lime and hay, brought into or sold in the said Town, by strangers, or persons residing therein ; and for authorizing the seizure and confiscation of all grain, meat, flour, butter, potatoes and other vegetables, fruits, articles and things brought into the said Town for sale or otherwise, in consequence of any defect in weight, measure or quality or for any other good and sufficient cause, and also for determining the manner in which all such articles exposed for sale in contravention of the said By-laws, shall be disposed of after confiscation ;

Mode of selling
certain articles.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe, in the above matters, the By-laws which the said Council shall hereafter deem useful to establish ;

Obstructions.

8. For preventing obstructions of any nature whatsoever in streets ;

Sales.

9. For preventing the sale on the public highway of any wares or merchandise whatsoever ;

Spirituous li-
quors.

10. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient ;

Licenses.

11. For determining under what restrictions and conditions the Collector of Inland Revenue shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers, and other persons to sell such liquors ;

License fees.

12. For fixing the sum payable for every such license, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;

Regulating per-
sons licensed.

13. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;

Selling to chil-
dren, &c.

14. For preventing the sale of intoxicating beverage to any child, apprentice or servant ;

Driving, &c.

15. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks of the said town ; or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight ;

16. For regulating the sale, and weight of bread, and the seizure, forfeiture and confiscation of all such bread so exposed for sale contrary to the said by-laws, or which may be of light weight or unwholesome ; and for regulating the manner in which it shall be disposed of after confiscation ; and for that object, for authorizing officers and persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing the same, and for doing any other necessary act or thing which may be considered advantageous for the public benefit and safety, the attaining of such object, or the carrying out of such by-laws ;

17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said town ;

19. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species running at large in the said town ;

20. For regulating, arming, lodging, clothing and paying a Police Force in the said town, and for determining their duties ;

21. For fixing and regulating the places where burials may take place within the said town ; for compelling the removal of bodies which shall have been interred contrary to this section ; provided always, that this section shall not be deemed to extend to prevent burials in the churches of the said town ;

22. To compel the proprietors of all land and real property within the said town, or their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure, and to make footways, if the Council should think fit to do so ;

23. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be accommodated nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every

every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Encroachments on streets.

24. To oblige all proprietors or occupants of houses in the said town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

Pulling down dangerous buildings, &c.

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets all sheds, stables, and other outbuildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Regulating width of street, &c.

Proviso.

26. For regulating the width of streets now open or to be opened hereafter in the said town ; for regulating and altering the height or the level of any street or sidewalk in the said town ; Provided that if any person shall suffer any damage by the widening, lengthening or altering the level of any street in the said town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Lighting and water works.

Proviso.

27. For defraying, out of the funds of the said town, the expenses of furnishing the citizens with water, and of lighting the town with gas, or in any other manner, and for obliging the proprietors of real property in or outside the said town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors in the said town to allow the necessary pipes, lamps and posts to be fixed upon their houses ; Provided always that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council ; and provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council ;

Sewers.

28. For assessing the proprietors of real property situate on any of the streets of the said town, for such sums as shall be deemed necessary for the making or repairing of any common sewer in any of the streets of the said town, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and levied ;

Sweeping, watering, &c.

29. For assessing, at the request of a majority of the citizens residing in any of the streets or public squares of the said town.

the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property ;

30. For raising all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said town, and of bridges and other public works outside the limits of the said town ; and for making improvements in the navigation of the river forming the front boundary of the said town, and for appropriating to such purposes the moneys of the said town, and any sums in their hands derived from the Municipal Loan Fund, for whatsoever purpose the same may be destined ;

Roads and bridges leading to the Town.

31. For assessing over and above all other rates specially abolished by this Act, all the citizens of the said town, to meet the expenses of any indemnity which the said Council may be obliged to pay to persons in the said town, whose houses or buildings of any description might be destroyed or damaged by riot or tumultuous assembly ; and if the said Council shall neglect or refuse, within six months after such destruction or damage, caused to any property in the said town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice in this Province ;

Property destroyed by riot &c.

32. To fix the place for the erection in the said town of any manufactories or machinery worked by steam ;

Manufactories.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties intrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases ; for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the said town from any contagious disease, or for diminishing the effects or the danger thereof ;

Board of health

34. For preventing and restraining all games with cards or dice or other games of chance, with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said town ;

Gambling.

35. For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof ; and for giving power and authority to enter into all shops, taverns, hotels and other houses or places of public entertainment, licensed or not licensed in the said town ;

Preventing tumults, &c.

Arresting gamblers, &c.

36. For finding out and arresting on the spot, such persons as shall be found playing, either at cards, dice or other games of hazard, or engaged in cock-fights, or dog-fights, in such places, contrary to any by-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance or disorder therein ;

Removing snow, &c.

37. For obliging all persons to remove the snow, ice or filth from the side-walks and from the roofs of buildings possessed or occupied by them, and also the snow and ice from the street, and for punishing them for failing to do so ;

Preventing obstructions.

38. For preventing and forbidding the obstruction of the streets, squares or sidewalks by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever ;

Hawking fruits, &c.

39. For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewelry and merchandise of all kinds in or along the streets, public places and sidewalks of the said town ;

Unwholesome places or trades.

40. For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any other place that may be unwholesome or fetid, to cleanse and purify it, or even to remove it, or to cause it to disappear as far as may be necessary for the health, comfort and convenience of the inhabitants of the said town ;

Offensive substances in the town or river.

41. For preventing any person from bringing into or depositing or leaving within the limits of the said Town, or in the river forming the front boundary of the said Town, any dead body or carcass, or other deleterious substance, and for causing the same, together with any matter on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found, and in his default to authorize the removal or destruction of the same by some officer of the Town, and to recover the expense of such removal or destruction from the person refusing or neglecting to remove or destroy the said substance ;

Dogs.

42. For regulating and preventing the allowing of dogs to go at large in the said Town, and for authorizing the destruction of all dogs wandering at large in contravention of any By-law in the said Town ;

Pounds.

43. For establishing a tariff of the fines and duties which shall be paid at the public pounds which now exist or which shall hereafter be established in the said Town ;

Hucksters.

44. To control and regulate hucksters and persons who buy articles brought to the said town, in order to sell them again, and

and for imposing duties and taxes on them for carrying on their business ;

45. For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, side-walks, crossings, drains and sewers, and all natural water-courses in the said Town ; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water-courses running through private property in the said town ; and for regulating every thing on this subject, whether the said water-courses be or be not covered ; It shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said Town ;

Regulating,
opening or re-
pairing streets,
&c.

Trees for shade

46. For regulating the way in which horses shall stand at rest, or be tied in the streets or open sheds in the said Town ;

Horses tied.

47. For regulating bathing and swimming in the River forming the front boundary of the said town ;

Bathing.

48. For regulating and preventing the firing of guns, pistols and other fire-arms, and preventing the making of bonfires and firing off of rockets and crackers.

Fireworks.

34. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say :

Prevention of
accidents by
fire.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings ; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired ;

Chimneys.

2. For defraying, out of the funds of the said town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effectual for preventing accidents by fire, or arresting the progress of fires ;

Fire engines.

3. For preventing thefts and depredations which may be committed at any fire in the said town, and for punishing any person who shall resist or maltreat any member or officer of the said Council in the discharge of any duty assigned to him by the said Council under the authority of this section ;

Thefts at fires.

4. For establishing or authorizing and requiring to be established after each fire in the said town, a judicial inquiry into the

Inquiry into
origine of.

the cause and origin of such fire, for which purpose the said Council or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any members of the said Council or of such committee; and the said Council or committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well-grounded cause of suspicion may be found of his having maliciously originated the said fire;

Sweeping
chimnies.

Rates for sweep-
ing.

Fines.

Recovery of
fines.

5. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept or whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney which shall have caught fire, as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shown on proof before him;

Quick-lime.

Candles.

6. For regulating the manner in which ashes or quick-lime shall be kept in the said town, and for preventing the inhabitants of the said town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Extinguishing
fires.

7. For regulating the conduct of all persons present at any fire in the said town; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order more easily to arrest the progress of the fires;

Relieving per-
sons hurt at
fires.

8. For defraying out of the funds of the said town any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ who shall have received any wound or contracted any severe disease at any fire in the said town; or in assisting or providing for

for the family of any person in their employ who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said town ;

9. For vesting in such members of the Council or in the Fire Inspectors, or both, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said town ;

Demolishing
buildings to
stop fires.

10. For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said town ;

Officers.

11. For authorizing such officers as the Council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said town, to admit such officers for the purpose aforesaid.

Examining
buildings, &c.

35. Whenever an assessment or assessments and taxes are imposed by the Town Council, the Secretary-Treasurer shall immediately prepare his collection roll for the town, and shall enter thereon the name of each person assessed, whose name shall be on the assessment roll, the value of the real property belonging to each person, as specified by the assessment roll, and the amount of movable property for which such person is liable to taxation ; and he shall, in like manner, calculate and enter the several assessments payable by such person, either in virtue of a By-law, or otherwise, and the total amount in which each person is indebted ; and when the Secretary-Treasurer shall have completed his collection roll, he shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection roll is completed and deposited in his office, and that all persons therein mentioned liable to the payment of assessments, are required by him to pay the amount hereof at his office, within the twenty days which follow the publication of the said notice :

Secretary-
Treasurer to
propose collection roll.

Form of and
particulars on
roll.

Notice.

2. If at the expiration of the said twenty days there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of the assessments due by such person

Statement to be
left on parties
in arrears, in
the town.

in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Parties out of
the Town.

3. The provisions of the preceding subsection shall not apply to persons residing beyond the limits of the said town, who shall be bound to pay their assessments within the thirty days next after the public notice in this section mentioned, without its being necessary to make any demand for payment, either personally or at their domicile ;

Levying ar-
rears on parties
in the Town.

4. If any person residing in the town neglects to pay the amount of assessments imposed upon him, for a period of thirty days after he shall have been requested to do so as afore-said, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all goods and chattels in his possession, wherever they shall be found, within the limits of the said town, addressed to one of the sworn bailiffs for the district of Richelieu, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same, shall prevent the sale, or the payment of the assessments and expenses out of the proceeds of such sale.

Taxes recov-
erable from the
proprietor or
from the tenant.

36. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said town, may be recovered, either from the proprietor, or from the tenant or occupant of such property or house, and if such tenant or occupant be not bound by lease or other stipulation to pay such tax or assessment such tenant or occupant may, and shall be entitled to deduct the sum so paid by him, out of the rent which he would have to pay for the possession of such property :

Council may
cause work to
be done and re-
cover the
amount.

2. Whenever the Town Council shall have passed any by-law or By-laws directing work to be done within the said town, or in any part thereof, and any proprietor shall be unable, from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such by-laws to perform to be done, and in all cases the sum so expended by the Council, shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent. ;

Assessments
on vacant
ground.

3. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the town,

town, shall not reside within the said town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of two years, then it shall be lawful for the said town Council, without having obtained a judgment before any Court of Justice, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs ; and the Secretary-Treasurer after having been authorized by a resolution passed by the said Town Council, may, and shall with the view of effecting such sale, prepare, on or before the fifteenth day of the month of November, according to such authorization, a statement of all the assessments and taxes remaining unpaid upon the collection rolls for two years and over, with the particulars therewith connected, including the amount or balance due upon all judgments obtained against such person as proprietor or occupant of such land, or otherwise, within the limits of the said town, either for taxes or for penalties due and incurred under this Act ; and in such statement he shall shew, opposite to each debt, the reason why he could not collect the same by inserting the words " non-resident " or " no personal property to seize," as the fact is, and a designation of the lots or parcels of land, giving the name of the street and the number of the lot, or the bounds, limits, and abutments thereof, in respect of which such assessments or other debts are due ;

Proceedings for
levying the
same by sale if
unpaid.

4. And after having completed the said statement of assessments and debts due on the collection rolls, at the time and in the manner aforesaid, the Secretary-Treasurer of the said town shall cause to be inserted, at least three times in the course of the month of December or January following, in at least one newspaper published in the district of Richelieu, or in an adjoining district, if there be none published in the former, an advertisement in the French and English languages, containing a list of all the lots or parcels of land respectively, upon which the assessments, debts or other claims in the said statement mentioned, remain due, shewing opposite the designation thereof, whether by the name of the street and the number of the lot, or by the bounds, limits and abutments thereof, the amount to be raised for the discharge of such assessments and claims, including all expenses and costs then known, established and fixed by the tariff made by the Council of the said town, and announcing that all such lots or parcels of land, together with the buildings thereon, if such there be, will be publicly sold and adjudged to the last and highest bidder, on such a day in the month of February or March following, at the place at which the sittings of the said Town Council shall for the time be held, to obtain payment of such assessments and other claims ; and he shall also give notice of each sale, in the manner required before proceeding to the election of Councillors for the said town ; every such notice shall specify the place, the day and the hour at and on which such sale will commence ;

Notice by advertisement of
assessments
unpaid.

Place and
time of sale.

and all the lots so announced for sale in the town, may be included in one and the same statement, and one and the same advertisement ;

Sale to be by
auction.

5. The lands, movables or effects to be sold in virtue of the provisions of this Act, for the payment of taxes or other claims, shall be offered for sale at public auction ; but they shall be exempt from auction duties, and it shall not be necessary that they shall be sold by a licensed auctioneer ;

Proceedings at
sale.

Provision for
redemption of
land sold for
taxes.

Proviso ; as to
surplus.

If there are
charges on the
property.

Contestations
among credi-
tors.

6. At and on the place, day, and hour fixed for the sale of the lots or parcels of land, the Secretary-Treasurer shall employ, to effect such sale, a bailiff residing in the said Town of St. Ours, who shall be specified to him by the said Council ; Provided always, that all proprietors of real property, sold under the authority of this Act, shall be entitled to resume such property within one year from the day of such sale on paying to the purchaser the entire amount of the purchase money with legal interest thereon, and the amount of the necessary outlay made on such real property, by order of the said Council in virtue of this Act ; upon the condition, however, that such purchaser shall have maintained the said property in the same state and condition in which it was at the time of the purchase, and shall neither have stripped it nor allowed it to deteriorate ; and, moreover, the costs incurred in making such sale, and ten per cent, besides the interest, both on the amount of the purchase money and on the outlay aforesaid ; provided, also, that if, after such sale of property, any surplus of money remains over and above the amount due to the said Council for assessment and costs, the said Secretary-Treasurer shall deposit such surplus, to whatever sum it may amount, in the funds of the said town as a loan, at interest at the rate of ten per cent per annum, until such money is demanded or reclaimed by those to whom it belongs, to whom such money shall be paid ; if, however at the time of the sale there exist any charge and hypothecary and privileged claim on the land sold, in whole or in part, the said Council, after having ascertained the fact by the certificate of the Registrar of the County of Richelieu, and after the expiration of the delay hereinbefore granted for the redemption of such land, shall by preference apply the said surplus money, both principal and interest, after deducting the costs incurred by the Council, to the discharge of the said claims and charges, according to their respective order of priority in conformity with the law ; and then if any money still remains, it shall be returned and paid to the person or persons who were proprietors of the land at the time of sale, or to such other persons as may be entitled thereto ; but in case contestations should arise among the hypothecary creditors, and any doubt should exist as to their respective rights of priority or privileges, or between the latter or any of them, and the proprietor of the land sold with respect to such claims or charge, the said Council shall be entitled to retain, in whole or in part, the surplus remaining
after

after the sale, after the said assessments and debts owing to the Corporation shall have been discharged, together with the costs incurred as aforesaid, until the rights of the parties shall have been decided upon by a Court of competent jurisdiction ;

7. If the highest bidder does not, upon the day of sale, pay the amount of the purchase money, the Secretary-Treasurer shall adjourn the sale until another day, not later then one week, by giving to all persons present notice of the adjournment of the sale in loud and intelligible language, and on the day of the sale so adjourned, the Secretary-Treasurer shall again offer the real property for sale, and shall sell it in whole or in part, unless, in the interval, the first purchaser shall have paid the amount of all assessments and claims owing upon the real property ;

Adjournment
of sale if pur-
chaser does not
pay.

8. Upon payment by the highest bidder of the amount of the purchase money, the Secretary-Treasurer shall give him a certificate under his hand, specifying the particulars of the sale, and the highest bidder shall then be seized of the lot or parcel of land adjudged, and may take possession thereof ;

Certificate to
purchaser.

9. Every such certificate shall be in duplicate ; one duplicate shall be given to the person who shall have paid the purchase money, and the other shall remain of record in the office of the Secretary-Treasurer ;

In duplicate.

10. Every such certificate or a copy thereof, certified by the Secretary-Treasurer, shall be evidence of the payment therein mentioned, and after having been registered at the office of the proper Registrar, shall insure to the person therein mentioned, his heirs, and assigns, a privilege and hypothec, taking precedence over all other claims against the lot or parcel of land so sold, for the reimbursement of the sum which shall be therein specified, with interest at the rate of six per centum per annum, reckoning from the date of the certificate, except over *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Act and the Acts amending the same ;

Effect thereof.

11. If, at the expiration of one year from the day of adjudication, the real property so adjudged has not been redeemed as hereinbefore mentioned, then the Secretary-Treasurer shall, on the application of the highest bidder, his heirs, representatives or assigns, and on proof of the payment of the arrears of all other assessments which shall have become payable in the interval, execute, in due notarial form, a contract of sale conveying, in the name of the corporation of the town, the property so adjudged to the highest bidder, his heirs or assigns ;

Deed of sale if
not redeemed.

12. Such contract of sale shall be a translatory title to such real property, and shall convey to the highest bidder not only all

Effect of such
deed of sale.

all the primary rights of property, but shall also have the effect of liberating such real property from all privileges and hypothecs whatsoever with which it may be charged, with the exception of *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Acts and the Acts amending the same.

Council empowered to make by-laws.

37. The Town Council shall also have power to make by laws for the following purposes :

Gaol or lock up house.

1. For founding, establishing and regulating a town gaol or lock-up house for the confinement, from time to time, of persons transgressing the by-laws of the said Council, or found guilty of vagrancy or other misdemeanors ;

Water courses.

2. To regulate and specify the direction of water-courses coming from other municipalities and passing within the limits of the said town.

Assessment may be remitted in certain cases.

38. The said Council shall have power to remit to indigent persons assessed under this Act, a portion or even the whole of the amount due for assessment in certain cases of fire which the said Council shall deem reasonable and sufficient.

Penalties for infraction of by-laws.

39. If any person shall transgress any order or rule or by-law made by the said Town Council, under the authority of this Act, such person shall for every such offence, forfeit the sum specified in any such order, rule or by-law, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender ; the offender shall be liable to be committed to the common gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court ; no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of St. Ours ; provided always, that the information and complaint for any breach of any order or by-law of the said Town Council shall be made within three months next after the time of the offence committed ; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council ; and the said Council shall also have power to punish, by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said Town, and infringing at the same time the by-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Proviso.

Proviso.

Punishment by forfeiture of goods in certain cases.

40. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said town, by virtue of this Act, shall be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided that such privilege shall only apply to assessments which have become due within two years, and no longer; and provided also that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes, &c., to be privileged debts.

Proviso.

Proviso.

41. All the fines and penalties recovered under the provisions of this Act shall be paid into the hands of the Secretary-Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the town, unless otherwise provided by some other Provincial Act or Statute.

To whom penalties, &c., to be paid.

42. Before any by-law of the said Town Council shall have force or be binding, such by-law shall be published in the French language, by reading the same at the door of the Church of the Parish of St. Ours, in the said District of Richelieu, on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said Town.

By-laws to be published.

43. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may borrow for certain purposes.

44. Whenever the said Council shall contract loans upon the credit of the said town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a sinking fund, which sinking fund shall consist of a deposit made in a savings bank, annually and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the sinking fund shall remain deposited in such savings bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and Sinking Fund united shall absorb one-half

Duties of Council with respect to loans.

Sinking Fund.

Proviso.

Proviso.

half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues ; and provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders, instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund ; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Powers of constables in certain cases, as to vagabonds, &c.

45. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct ; and such person shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Penalties for assaulting constables.

46. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary ; provided always, that it shall be lawful for the said Council or any such officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Properties exempt from taxation.

47. The following property shall be exempt from taxation in the Town of St. Ours :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments ;

48. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council. Tavern licenses.

49. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards. Limitation of actions.

50. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice, and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction. Encroachments on streets.

51. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said Town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace. Penalty for granting false receipts for rent.

52. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares Council may prevent encroachment of

tion of buildings
in certain
cases of en-
croachment.

of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house ; and it shall be lawful for the Council to purchase such part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing ; and the said arbitrators, in case of difference of opinion, shall appoint a third, and the said arbitrators, having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor ; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may
acquire land in
certain cases.

53. The said Council shall have full power to purchase and acquire out of the revenues of the said Town, all such lots, lands, and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in
cases of dis-
agreement as
to value of
property taken.

54. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *souspuissance de maris*, the said Council, after sufficient notice given to the said proprietor, may apply to the Circuit Court sitting in and for the County of Richelieu, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third ; and such arbitrators, before proceeding to such valuation, shall give to the said Council and the said proprietor sufficient notice of the day, hour and place when they will proceed to such valuation and the hearing of the parties in the case ; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Clerk of the said Circuit Court, or of the Prothonotary of the Superior Court in and for the district of Richelieu, for the use of the person entitled thereto ; and if no such person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Clerk or Prothonotary, to claim the sum so deposited, it shall be lawful for the said Clerk or Prothonotary, and he is hereby required,

Appointment of
arbitrators and
third arbitra-
tor.

Report.

How the pur-
chase money
shall be paid or
dealt with.

to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum ; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said town to pay the same.

35. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

Penalty for refusing to accept office of Mayor and Councillor.

The office of Mayor, thirty dollars :

The office of Councillor, twenty dollars :

2. Whenever the assessors neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such assessor shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed ;

On assessors neglecting their duty.

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars ;

On councillors and other officers neglecting the same.

4. Any person who shall vote at any election of Councillors without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

For voting without qualification.

5. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence ;

On road officers neglecting their duty.

6. Every person, who shall hinder or prevent, or attempt to hinder or prevent any officer of the Council in the exercise of any

On persons impeding officers.

any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars, for every such offence, over and above any damages which he may be liable to pay ;

Or tearing down
advertisements.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

How penalties
may be recover-
ed.

56. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court in and for the County of Richelieu or before any Justice of the Peace residing in the said Town by a suit or action brought by the Mayor or a Councillor in the name of the Corporation ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Public Act.

57. This Act shall be deemed a Public Act.

C A P . L X I .

An Act erect the Parish of St. Bonaventure, in the County of Drummond, into a separate Municipality.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the inhabitants of the Parish of St. Bonaventure have by petition prayed for the erection of their parish into a municipality : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Municipality of
St. Bonaven-
ture constitu-
ted.

1. From and after the first day of January, one thousand eight hundred and sixty-seven, the Parish of St. Bonaventure, in the Township of Upton, and County of Drummond, shall be separated from the Municipality of North-East Upton for all municipal purposes, and shall form a distinct Municipality, under the name of the "Municipality of the Parish of St. Bonaventure."

And of St.
Guillaume.

2. The remainder of the Municipality of North-East Upton shall form a Municipality under the name of the "Municipality of the Parish of St. Guillaume."

Councillors of
St. Guillaume
to continue.

3. The present Councillors of the Municipality of North-East Upton, residing within the limits of the Parish of St. Guillaume,

Guillaume, shall continue to be the Councillors for the Municipality of St. Guillaume, and shall, after the first day of January, one thousand eight hundred and sixty-seven, have the right to replace such of the present Councillors as reside within the limits of the Parish of St. Bonaventure.

4. A meeting of the inhabitants of the Parish of St. Bonaventure shall be held on the first Monday in January next, for the election of Municipal Councillors in accordance with the provisions of the Lower Canada Municipal Act. Election for St. Bonaventure.

5. The two Municipalities mentioned in this Act may obtain extracts from the last valuation rolls of the Municipality of North-East Upton, affecting properties situated within the respective limits of the said two Municipalities ; and such extracts, certified by the Secretary of the Municipality of St. Guillaume, shall serve as valuation rolls for the said respective Municipalities until they shall have made others. Valuation rolls.

6. The said Municipalities may use the said rolls so soon as the same shall have been adopted, for the carrying into effect of all the duties imposed on them in virtue of the Municipal and Electoral Laws, without awaiting the periods mentioned in the said laws. Use thereof.

7. Nothing contained in this Act shall have the effect of discharging any portion of the said municipalities from debts and obligations contracted prior to the passing of this Act. Debts not affected.

8. This Act shall be deemed a Public Act. Public Act.

CAP. LXII.

An Act to erect to Township of Wickham into two separate Municipalities.

[Assented to 15th August, 1866.]

WHEREAS a majority of the inhabitants of the township of Wickham have by Petition prayed that the said township may be erected into two separate Municipalities : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. From and after the first day of January, one thousand eight hundred and sixty-seven, the last twenty-five lots of the first six ranges of the said township, and that part of the point of the said township situated opposite the said territory, shall form a separate municipality under the name of the municipality of the township of Wickham. Municipality of Wickham.

West Wick-
ham.

2. From and after the first day of January, one thousand eight hundred and sixty-seven, all the lots in the last six ranges of the said township which constitute at present part of the municipality of Wickham shall form a separate municipality under the name of West Wickham.

Elections for
the same.

3. On the first Monday in January next, the electors of the two municipalities hereinbefore described, shall assemble for the election of Municipal Councillors in accordance with the provisions of the Lower Canada Municipal Act.

Term of office.

4. The Councillors so elected shall remain in office until the general municipal elections in one thousand eight hundred and sixty-eight

Assessment
rolls.

5. The two municipalities so erected may obtain extracts from the Assessment Roll of the Township of Wickham, respecting the property included within their respective limits; and such extracts certified by the Secretary-Treasurer of the Council of Wickham, at the time when they shall be made, shall serve as the said assessment rolls of the said municipalities until new rolls have been prepared, or until the aforesaid rolls shall have been revised.

Electoral lists.

6. Within the two months next after the separation of the said municipalities, the Secretary-Treasurers thereof shall be bound to fulfil all the requirements of the law in respect of electoral lists; and the councils of the said municipalities may revise and homologate the same, without awaiting the period fixed by law for so doing, by following all usual formalities required for the legalization of electoral lists.

Debts not
affected.

7. Nothing contained in this Act shall have the effect of discharging any part of the territory of the said two municipalities from debts and obligations contracted before the passing of this Act.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. LXIII.

An Act to provide for ascertaining what persons have rights in the Commons of Berthier and Ile du Pads.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Acts have been passed by the Parliament of this Province, authorizing and empowering the persons interested and having rights in the Commons of Berthier and Ile du Pads respectively, from time to time to elect Presidents and Trustees to manage and direct the business relating to the said

said Commons respectively, and constituting the Presidents and Trustees, so elected from time to time respectively, bodies corporate and politic, for the purposes aforesaid; and whereas the President and Trustees of the Common of Berthier and certain persons claiming to be interested and to have rights in the said Common, and in the Common of Ile du Pads, have, by their petitions, prayed that provision should be made for ascertaining and establishing, in a definite and final manner, who are the persons interested and having rights in the said Commons respectively; and whereas it is expedient that the prayer of the said Petitions should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the Presidents and Trustees of each of the said Commons, or for any five or more of the persons interested and having rights in either of the said Commons, by public notice given at the doors of the churches of all the parishes in the Seigniority in which the Common is situated, after divine service in the forenoon, and posted up at the doors of the said churches, to call a meeting of the persons interested and having rights in the Common, to be held at some stated place in one of the said parishes, at some stated hour, on some stated day, not less than eight days nor more than fifteen days after such notice, for the purpose of electing a Commissioner for the said Common under this Act.

Meeting of parties interested to be called and how.

2. At such meeting, at which the President of the corporation of the Common, or, in his absence, one of the Trustees of the said corporation, or, in the absence of the said President and of all the said Trustees, such person as may be chosen for that purpose by the majority of those present thereat, shall preside, all persons interested and having rights in the Common by any title, or being in the possession and enjoyment of rights in the said Common shall be qualified and entitled to attend and vote; and some suitable person, being an inhabitant of one of the parishes in the Seigniority in which the Common is situated, but not interested nor having any right in the Common, may be elected by such persons, or a majority of them, to be a Commissioner for the same under this Act.

Who shall preside at such meeting.

Commissioners to be elected.

3. The Chairman of the meeting shall prepare a *procès-verbal*, or report thereof, which shall be signed by him and by two persons present at and taking part in such meeting, as witnesses, and shall be deposited in the office of the Prothonotary of the Superior Court in and for the District in which the Common is situated; and he shall also notify the person elected as Commissioner of his having been so elected.

Chairman to prepare *procès-verbal* of proceedings, and notify person elected.

4. If any person elected a Commissioner under this Act do not, within eight days after the day on which he is notified, as aforesaid, of his having been so elected, make known to the Chairman

Commissioner accepting or refusing office

New election
if he refuses.

Chairman of the meeting at which he was so elected his refusal to accept the said office, he shall be deemed to have accepted the same; and so often as any person so elected shall so make known his refusal to accept office, or shall resign such office, or shall cease to reside in any of the parishes in the Seigniority in which the Common for which he is Commissioner is situated, or shall depart this life, some other qualified person shall be elected in his place as Commissioner for such Common, in the manner provided for by the preceding sections of this Act,—and so on, *toties quoties*.

Notice by
Commissioner
to parties inter-
ested to file
their claims.

5. Every such Commissioner shall, within one month after his election, by proclamation on two consecutive Sundays, immediately after divine service in the forenoon, and by written notice posted up during at least two consecutive weeks, at the doors of the churches of the parishes in the Seigniority in which the Common for which he is Commissioner is situated, and also by at least two advertisements in French and English in the *Canada Gazette*, and in a newspaper published in the District in which the Common is situated, if any is there published, make known the place within one of such parishes where, and the days when, his office as such Commissioner will be open, and require all persons interested and having or claiming rights in such Common, to exhibit and file at such office, within six months after the last of such proclamations, clear statements of their respective claims, setting forth the facts and titles on which their pretensions to rights in such Common are based; and in cases of claims founded on titles, a list also of the title-deeds; and those persons who shall neglect to do so within the said delay of six months shall be deprived of the exercise or enjoyment of any rights in such Common, until they have filed and exhibited before the President and Trustees of such Common their statements and titles, and paid into the hands of such President and Trustees their quota of the costs and expenses of management of such Common, until the time when they so file their statements and titles; and in that case such President and Trustees shall have a right to transmit such statements and titles to the Prothonotary of the Superior Court for the District in which the Common is situated, in order that proceedings and judgments may be taken and rendered thereupon, in the manner hereinafter provided with respect to statements and titles exhibited and filed at the office of the Commissioner, within the said delay of six months; and such claimants shall be bound to indemnify the President and Trustees for all costs and expenses occasioned by the delay in bringing forward their statements and titles, which costs and expenses shall be taxed by the Judge.

And their titles.

Penalty on
persons not
filing them.

Claims and
titles may be
transmitted to
the Superior
Court.

Costs.

Transmission
of claims and
titles to the Su-
perior Court.

6. Immediately after the expiration of the said period of six months, the Commissioner shall transmit to the Prothonotary of the Superior Court in and for the District in which the Common is situated, all statements, claims, title deeds and
lists

lists exhibited and filed at his office as aforesaid, together with a list of the same in the order in which they were presented to him, numbering them according to such order.

7. Every Prothonotary of the Superior Court who shall receive any such statements, claims, title deeds and lists as aforesaid, shall lay the same before such Court at its next term or sitting, in and for the District in and for which he is such Prothonotary ; and such Court is hereby authorized and required to examine all such statements, claims and title deeds, and to adjudicate thereon after having heard the parties thereto,—that is to say, as well the persons who exhibited and filed such title deeds and made such statements of claims respectively, as aforesaid, as persons opposing or contesting their claims respectively, by declaring what claims are valid or unfounded, what are the rights of the parties claiming respectively, either as to a right of property in the said common itself, or as to the rights of the said parties to use and enjoy the same and their servitudes, together with the extent of such rights, the whole in one judgment or in several separately as the judge may think proper ; and entries of such adjudications shall be made in the Registers of the Superior Court.

Court to examine the same and decide thereon.

8. Any party interested may interpose in the proceedings which shall be had in virtue of this Act, and the judgments shall be subject to the same appeals as other judgments rendered by the Superior Court.

Intervention and appeals.

9. The corporation of the President and Trustees of the common as well as any person claiming rights may, at any time within three months from and after the transmission by the commissioner of the title deeds, statements and lists exhibited to and filed with him as aforesaid, to the Prothonotary of the Superior Court, contest the claim of any person to be interested and to have rights in the common, by an affirmative or negative plea in answer to such claim, of which plea a copy certified by the advocate or attorney acting for such President and Trustees, shall be served upon the person whose claim is thereby contested, within the said period of three months ; and the person whose claim is contested as aforesaid may answer or reply to such plea, as the case may require, at any time within fifteen days from and after the expiration of the said period of three months.

Corporation of the Common may contest any claim.

10. After the expiration of the said last mentioned period of three months, the Court may, without further examination, declare valid those title deeds upon which uncontested claims are founded, so far as such claims are concerned, and may thereupon allow such claims.

Uncontested claims to be declared valid.

11. With respect to contested claims founded upon facts or upon titles it shall be lawful for the said Court, or for any Judge

Pleadings on contested claims.

Costs.

Proviso: as to costs.

Orders and interlocutory judgments.

Duty of Commissioner after final judgments.

Notice at church doors.

Title deeds to be returned to parties.

Commissioner to have his account taxed by the Judge.

Judge thereof in vacation, to permit the parties to such contestation to plead in writing, and produce titles, documents and papers, and even to permit parties claiming rights to file more detailed statements in writing of their claims, to examine witnesses upon oath, appoint one or more sworn *experts* or arbitrators, hear the parties who may be interrogated upon *faits et articles*, *serment décisoire*, or *serment judiciaire*, if deemed expedient, and allow costs in the matter; all such proceedings to be in every respect similar to those in ordinary actions; and the said costs shall be recoverable by process of execution, upon a writ to be issued out of the Court having jurisdiction therein, as in any ordinary case; Provided always that the costs to be taxed by the Judge whether for attorneys or advocates or for the prothonotary or the officers of justice or others shall in no case exceed those which might have been taxed if such claims and contestations had been brought before the Circuit Court in and for the county of Berthier in which the said commons are situate.

12. It shall be lawful for the said court to make such orders and to render such interlocutory judgments, to regulate the pleadings and procedure in such cases, as such court shall deem most expedient for the purposes of justice.

13. When the court has rendered final judgments on all the claims which have been laid before it, the Commissioner shall withdraw from the office of the Prothonotary of the said Court the title deed or title deeds transmitted by him, on which such judgments are founded, giving a receipt for the same on the list filed in said office with such title deed or title deeds; and shall also procure from the said Prothonotary certified copies of such judgments, which he shall cause to be publicly read at the doors of the churches of the parishes in the Seigniority in which the common is situated, on two consecutive Sundays, immediately after divine service in the forenoon.

14. Every Commissioner under this Act shall be bound to restore and deliver, on demand, every title deed so withdrawn by him from the office of the Prothonotary of the Superior Court, to the person who exhibited and filed such title deed at his office as aforesaid, or to the heirs or other legal representatives of such person, or to any person duly authorized by him or them, taking a receipt for the same.

15. Every such Commissioner shall, as soon as judgments have been rendered and published as aforesaid, in all the claims made through him as aforesaid, in relation to the common for which he is commissioner, lay before a Judge of the Superior Court a detailed account of all costs, charges and expenses, including a fair remuneration for his own time, trouble and outlay, which account shall be taxed by the Judge.

16. Every such commissioner shall be entitled to demand from each co-proprietor of the common for which he has been commissioner, the proportionate share of such co-proprietor in the amount at which the account of such commissioner has been taxed as aforesaid, and shall have a right of action for the recovery of the same, or otherwise to demand the whole of such amount from the President and Trustees of the common; and, in the latter case, when such president and trustees have paid the whole amount of such account, they shall be substituted, *ipso jure*, in the place and stead of such commissioner, and may recover from each co-proprietor of, or person interested in such common his proportionate share in such amount, in the same manner as such commissioner himself might otherwise have done.

How such account shall be paid.

If paid by President and Trustees of the Common.

17. It shall be lawful for the persons interested and having rights in such common, at any meeting for the election of a President and Trustees thereof, to elect a Clerk or Secretary to the said President and Trustees, with such salary or allowance for his services as such, to be paid out of the funds of the corporation, as by the votes of the majority of such persons present at such meeting may be agreed upon; and such clerk or secretary shall be elected to and hold office as such for the same period for which the President and Trustees elected at the same meeting are elected and hold office; and the same person may be elected as Clerk or Secretary, and also as a Trustee at one and the same meeting and may hold both offices together; and the said Clerk shall be authorized to certify copies of the registers and minutes of proceedings of the said corporation, of which the originals shall be signed by the President of the said Trustees, and by the said Secretary.

Election of a Clerk or Secretary to the President and Trustees.

Clerk to certify copies of registers, &c.

18. In case of the absence or illness of the President of the corporation of either of the said Commons, it shall be lawful for the eldest of the Trustees, when and as often as he shall be thereunto required by two others of the Trustees, to call and preside at meetings of the corporation for the despatch of the business of the trust; and of two Trustees elected at the same meeting, that one who is elected by the greatest number of votes shall be the elder.

Absence of the President provided for.

19. This Act shall be a Public Act.

Public Act.

C A P. L X I V .

An Act to erect a new Municipality in the County of Beauharnois, under the name of St. Etienne de Beauharnois.

[Assented to 15th August, 1866.]

WHEREAS a considerable number of the freeholders and others of the Parish of St. Louis de Gonzague, and of the *succursale* of St. Etienne de Beauharnois, otherwise called

Preamble.

Rang du dix, in the Parish of St. Clement de Beauharnois, have, by their petition, represented that it would be of the greatest advantage to them that they should be detached for Municipal and school purposes from the parishes of St. Clement de Beauharnois and St. Louis de Gonzague, and erected into a separate Municipality, and whereas it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Municipality of
St. Etienne de
Beauharnois
described and
constituted.

1. From and after the first day of January, one thousand eight hundred and sixty-seven, the lands included within the following concessions ;—the double concessions of St. Laurent, and the first range of North Georgetown, the south concession of the River St. Louis, from the land of Jacques Brunel inclusive, to the line dividing the Parish of St. Clement de Beauharnois from that of St. Louis de Gonzague, and the north concession of the River St. Louis from the land of Alexis Hebert inclusive, to the division line between the parishes aforesaid,—taken from the Parish of St. Clement de Beauharnois, and the double concession of the second range of North Georgetown, the south concession of the River St. Louis, from the line dividing St. Clement de Beauharnois from St. Louis de Gonzague to the land of Ignace Laberge inclusive, and the north concession of the said River St. Louis, from the said division line between St. Clement de Beauharnois and St. Louis de Gonzague, to the land of John Dickson, also inclusive,—taken from the Parish of St. Louis de Gonzague,—shall form a distinct Municipality for Municipal and school purposes, under the name of “Municipality of St. Etienne de Beauharnois.”

First election of
Councillors.

2. On the first Monday of January next, the electors of the Municipality above described shall hold a meeting at the door of the Church in St. Etienne de Beauharnois, for the election of Municipal Councillors, in conformity with the provisions of the Lower Canada Municipal Act.

Term of office.

3. The Councillors so elected shall remain in office until the General Municipal Elections in one thousand eight hundred and sixty-eight.

Debts not to be
affected.

4. Nothing contained in this Act shall have the effect of discharging any part of the territory forming part of the new Municipality hereby erected, from debts and obligations contracted before the passing of this Act ; and the said Municipality so erected, under the name of St. Etienne de Beauharnois, shall be bound in virtue of this Act, to pay the debts and obligations due by it before the passing of this Act to the Municipality of Beauharnois, and to the Municipality of St. Louis de Gonzague.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. LXV.

An Act to divide the Municipality of Gaspé Bay South and York, in the County of Gaspé, into two separate Municipalities.

[Assented to 15th August, 1866.]

WHEREAS the Local Council of the "Municipality of Gaspé Bay South and York," and the inhabitants of the Township of York, in the County and District of Gaspé, have severally, by petition, prayed for the passing of an Act to separate the present Municipality of Gaspé Bay South and York, and to erect it into two separate Municipalities; and whereas it is expedient that their prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act the Townships of Gaspé Bay South and York, in the County of Gaspé, now forming one Municipality, shall be separated for Municipal purposes, and shall form two separate Municipalities under the name of the "Corporation of the Municipality of Gaspé Bay South," and the "Corporation of the Municipality of York."

Two municipalities formed.

Names.

The Municipality of Gaspé Bay South shall comprise all the territory included within the limits of the Township of "Gaspé Bay South," bounded on the north by the River Dartmouth and the north-west arm of Gaspé Bay, on the east by Gaspé Bay, on the south by Gaspé Basin and the river York and on the west by the western limit of the said Township of Gaspé Bay South or Crown Lands; the inhabitant within the said Township shall constitute a body politic and corporate, under the name of the "Corporation of the Municipality of Gaspé Bay South" for all municipal purposes whatsoever.

Municipality of Gaspé Bay South described.

2. The Municipality of York shall comprise all the territory included within the limits of the Township of York, bounded on the north by the River York and Gaspé Basin, on the east by the Township of Douglas, on the south by the southern limits of the said Township of York, or Crown Lands, and on the west by the western limit of the said Township of York or Crown Lands; the inhabitants within the said Township shall constitute a body politic and corporate, under the name of the "Corporation of the Municipality of York," for all municipal purposes whatsoever.

Municipality of York described.

3. The municipal Council of Gaspé Bay South shall remain constituted as at present, with the exception of such of the Councillors as may be resident in the new Municipality of York, and shall comply with the provisions of the Lower Canada Municipal Act, as regards the appointment of successors to the said Councillors retiring.

Council of Gaspé Bay South.

Councillors retiring.

First election
of Councillors
for York.

4. In the course of the first month after the passing of this Act, a meeting of the inhabitants of the Township of York shall be called by three electors of the said Municipality, and the electors present shall choose one of their number to preside over such meeting, and shall select from among themselves seven Councillors to form the Municipal Council of York; and the said election whether unanimous or contested, shall be proceeded with, in all respects, in conformity with the provisions of the Lower Canada Municipal Act, as if it had taken place on the second Monday of January.

In case of
failure of elec-
tion, Council-
lors to be ap-
pointed.

5. If, in the course of the first month after the passing of this Act, the election of the Councillors has not taken place, as hereinbefore stated, then the Councillors shall be appointed by the Governor, as provided for in Section twenty-three of the Lower Canada Municipal Act.

Transfer of
documents of
present muni-
cipality affect-
ing the Town-
ship of York.

6. The Valuation Roll, *Procès-Verbaux*, Repartitions, By-laws and all other documents of record in the Archives of the present Municipality of "Gaspé Bay South and York," and affecting or referring to the new Municipality of York, shall continue to affect or refer to the said Municipality of York, until amended or renewed by the Municipal Council thereof according to law; and copies duly authenticated of such Valuation Roll, *Procès-Verbaux* or other documents, referring to the said new Municipality of York shall have the same effect, as if they had been made by the new Municipal Council of York, and shall form part of the archives of the said new Municipal Council, until amended or renewed as aforesaid.

Division of
funds and
liabilities.

7. The moneys in the hands of the Secretary-Treasurer and the liabilities of the Municipality of Gaspé Bay South and York on the day of the passing of this Act, shall be divided between the Corporation of the Municipality of Gaspé Bay South, and the Corporation of the Municipality of York, in proportion to the amount of property valued on the last Valuation Roll, in each of the said Townships of Gaspé Bay South and York.

First Session
of Council of
York.

8. The Councillors of the Township of York, being elected or appointed by the Governor, as hereinbefore provided, shall meet at the place, on the day and at the hour determined upon for holding the first session of the Council, to appoint a Mayor, and then shall conform to the Lower Canada Municipal Act as regards the appointment of other officers, and for all other purposes generally whatsoever.

Public Act.

9. This Act shall be deemed a Public Act.

C A P. L X V I.

An Act to attach a part of the Township of Aylmer to the Parish of St. Vital de Lambton, in the County of Beauce.

[Assented to 15th August, 1866.]

ON the Petition of certain inhabitants of the Township of Aylmer, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. From and after the first day of September next, the first ten lots of the eight ranges of the Township of Aylmer, that is to say, the lots from one to ten, both inclusive, in each of the said ranges, shall be detached from the municipality of the said township, and annexed, for all municipal, electoral and school purposes, to the Municipality of the Parish of St. Vital de Lambton, and the rest of the said Township of Aylmer shall hereafter be entirely separated from the said Parish of St. Vital de Lambton, for all purposes whatsoever. Certain portion of Aylmer annexed to St. Vital de Lambton.

2. Nothing in this Act shall exempt the Rate-payers in the tract so detached, from their liability to contribute to the payment of any municipal and school debts, incurred before the passing of this Act. Existing liabilities saved.

3. This Act shall be deemed a Public Act.

Public Act.

C A P. L X V I I.

An Act to establish the Concession line between ranges four and five of the Township of Buckingham, from lot one to the River Du Lievre.

[Assented to 15th August, 1866.]

WHEREAS the Concession line between the fourth and fifth ranges of the township of Buckingham, in the county of Ottawa, in this Province, from lot one to the east bank of the River Du Lievre, is, and for some years past has been, the subject of dispute between certain landholders in the said two ranges; and whereas the Municipal Council of the said Township has declined to take any steps towards any disturbance of the line in question as it now exists, and has been practically recognized for about forty years past; and whereas it is desirable on these and on the other grounds more specifically set forth in a petition to the Legislature, in this behalf, from landholders in the said fourth range interested in the said line, to obviate, so far as may be done, all further disputes as to the said line : Therefore, Her Majesty, by and with the advice and Preamble.

and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Existing Line
between
ranges 4 and
5 confirmed.

1. The said concession line, between the fourth and fifth ranges of the said Township of Buckingham, from lot one to the east bank of the River Du Lievre, as now existing, and as heretofore practically acknowledged, and as indicated in the field by survey posts and marks and by long established metes and boundaries, is and shall be considered to have been, to all intents and purposes, the proper and only legally established boundary or concession line between the said fourth and fifth ranges of the said township of Buckingham, from lot one to the east bank of the River Du Lievre.

Public Act.

2. This Act shall be deemed a Public Act.

C A P L X V I I I .

An Act to attach a part of the Township of Broughton to the Parish of St. Frederic, in the County of Beauce.

[Assented to 15th August, 1866.]

Preamble.

ON the Petition of the inhabitants of a portion of the Township of Broughton, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Certain portion of
Broughton
annexed to St.
Frederic de
Beauce.

1. From and after the first day of September next, that portion of the first, second and third ranges of the Township of Broughton, which is now within the limits of the Parish of St. Frederic de Beauce for religious purposes, shall be detached from the said Municipality of Broughton and annexed, for all municipal, electoral and school purposes, to the Municipality of the said parish of St. Frederic de Beauce, and shall form part thereof for all purposes whatsoever.

Existing liabilities saved.

2. Nothing in this Act shall exempt any part of the tract of land so detached from liability for the debts and obligations contracted before the passing of this Act by the municipality of which it formed part.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . L X I X .

An Act to amend chapter twenty-six of the Consolidated Statutes for Lower Canada, in so far as it relates to certain Water-courses in the district of Iberville.

[Assented to 15th August, 1866.]

WHEREAS it is necessary for the promotion of agricultural interests to make further provisions enabling proprietors of low and swampy lands in the vicinity of non-navigable rivers and natural water-courses in the District of Iberville, and which are insufficient for the drainage of such lands, to require of and to authorize the authorities having jurisdiction in these matters to verbalize such rivers : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. All the provisions applying to water-courses in chapter twenty-six of the Consolidated Statutes for Lower Canada, and the Acts amending it, shall apply to non-navigable rivers.

Certain provisions extended.

2. The Inspector or Inspectors who may prepare the *procès-verbal* establishing the work to be done for deepening or enlarging any non-navigable river or natural water-course, shall only particularize in such *procès-verbal*, the properties to be directly drained by such works, and no such *procès-verbal* shall bind the proprietors of lands situated on a higher level than those proposed to be drained, and whose lands are not deteriorated by the bad condition of such river.

What person shall perform the work required.

3. The work to be done by non-resident proprietors shall be executed in the manner provided by the third sub-section of the thirtieth section of chapter twenty-six of the Consolidated Statutes for Lower Canada, and the costs incurred may be recovered by the means prescribed in the said Act, or by the proceedings prescribed in the case of Road Works by the Lower Canada Consolidated Municipal Act and the Acts amending it.

How the work shall be done.

4. Nothing in this Act shall be construed to authorize the preparation of any *procès-verbal* which might interfere with any locks or dams now existing in any rivers, or which may be constructed hereafter.

Locks, dams, &c., not to be interfered with.

5. This Act shall apply only to the District of Iberville.

Act to apply only to Iberville.

6. The Districts of Bedford, Beauce, St. François and Chicoutimi are exempted from the operation of this Act.

Certain districts exempted.

CAP. LXX.

An Act to amend the Act twenty-fifth Victoria, Chapter thirty, to enable the Rate-payers of the County of Lincoln to select a more convenient place for the County Town.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Corporation of the County of Lincoln have, by their petition, prayed for certain amendments in the Act passed in the twenty-fifth year of Her Majesty's reign, chapter thirty, so as to enable the Governor to issue a proclamation giving effect to a certain By-law of the Corporation of the said County, changing the place of the County Town, and appointing St. Catharines as such County Town; and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Proclamation
to issue on de-
posit of \$4000
by County of
Lincoln.

1. Notwithstanding anything contained in the Act twenty-fifth Victoria, chapter thirty, intituled: *An Act to enable the rate-payers of the County of Lincoln to select a more convenient place for the County Town*, the Governor may, so soon as the County of Lincoln shall have deposited with the Receiver General of Canada, the sum of four thousand dollars subject to the award of the arbitrators hereinafter mentioned, issue his proclamation giving effect to the change provided by the said Act; but such proclamation shall not be held to interfere with the arbitration provided for by the fourth section of the said Act; but all proceedings already had, or to be had, under the same shall be continued as if such proclamation had not been issued.

Proviso.

As to payment
of compen-
sation if any be
awarded to
Niagara.

2. In the event of the arbitrators awarding that compensation should be paid to the Town of Niagara, the amount awarded shall be paid to the Corporation of the said Town of Niagara in such manner and at such time as the said arbitrators shall direct and appoint; and in case the amount so awarded shall not be paid as directed by the arbitrators, the same may be recovered by action in any of Her Majesty's Superior Courts of Common Law in Upper Canada; but nothing herein contained shall prevent the Governor from issuing his proclamation giving effect to the By-law, referred to in the fourth section of the said Act, and thereupon the Town of St. Catharines shall become and be County Town of the said County of Lincoln.

Interest on
award.

3. The amount, if any, found due to the Town of Niagara, by the award of the arbitrators appointed as aforesaid, shall bear interest from the date of the said proclamation, and shall be provided for by the Corporation of the said County of Lincoln, in like manner as other debts of the said county.

4. In case an award shall be made in favor of the said Town of Niagara, no motion shall be made, or proceedings taken, or defence entered upon, by or on behalf of the said County of Lincoln, to set aside, refer back, correct, or resist the payment of the said award, until the amount awarded, with six months interest thereon, shall have been first paid into the Court in which such motion, proceedings or defence are taken or to be taken, entered upon or to be entered upon; and the said sum shall be subject to the order of such Court, upon the final decision of the said Court upon the said award and subject matter of the said reference.

Amount to be paid into Court before the award can be disputed.

5. The Corporation of the County of Lincoln shall have power to levy and impose a special rate for the payment of the debt, interest, costs and expenses, if any, contracted, or for which the said county shall become liable, under the provisions of this Act or the said Act hereinbefore referred to.

Special rate for payment of award.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I .

An Act to complete the separation of the County of Peel from the County of York.

[Assented to 15th August, 1866.]

WHEREAS the Provisional Municipal Council of the County of Peel have petitioned for the passing of an Act to enable the Governor in Council to set apart the said County of Peel from the County of York whenever it may be deemed expedient to do so: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Notwithstanding anything contained in the fifty-first section of the chapter fifty-four of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada*, it shall be lawful for the Governor in Council to issue his proclamation declaring that the separation of the County of Peel from the County of York shall take effect from a day to be named in the said proclamation, and such separation shall take place accordingly from such day, and have the same effect on and after such day, to all intents and purposes whatever, as if such proclamation had been issued and such separation had taken effect according to the terms of the said fifty-first section.

Separation of Peel and York by proclamation.

2. From and after the day on which such separation shall take place no local action shall be brought in either the said County of Peel, or the said County of York, except where the cause of action shall have arisen in that County of the said Counties

Where local actions shall thereafter be brought.

Proviso.

Counties in which the action is brought ; provided always that a suggestion may be entered on the record to change the place of trial of such local action in the same manner as may now be done by law, and the practice of the Superior Courts of Common Law.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. LXXII.

An Act to legalize a certain By-law and certain Debentures of the United Counties of Huron and Bruce.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS doubts have arisen as to the validity of a certain By-law of the corporation of the United Counties of Huron and Bruce, authorizing the raising of a certain sum of money for the purposes therein mentioned, by the issue of debentures, and as to the validity of the debentures issued under and by virtue of the said By-law, and it is necessary and expedient in the interest of the public, and of the holders of the said debentures, that all such doubts should be removed, and that such By-law and debentures should be legalized and confirmed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

By-law No. 7,
of 3rd Oct.,
1865, confirm-
ed.

1. By-law number seven of the corporation of the United Counties of Huron and Bruce, passed on the third day of October, in the year one thousand eight hundred and sixty-five, intituled : *By-law to raise by way of loan the sum of two hundred and twenty thousand dollars for the purposes therein mentioned*, and the debentures issued thereunder, and all acts done and contracts entered into, in pursuance thereof, are hereby legalized and declared valid, notwithstanding any want of power or authority in the said corporation to raise money as aforesaid for the improvement of the harbors in the said By-law mentioned, or any irregularity in the passing or preliminary to the passing thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXXIII.

An Act to repeal the Act to legalize certain assessments in the City of Toronto, and to enable the said City to recover the taxes rated and charged.

[Assented to 15th August, 1866.]

WHEREAS the Corporation of the City of Toronto have by their petition prayed that a certain Act passed in the twenty-ninth year of Her Majesty's reign, chapter sixty-eight, should be repealed, and it is reasonable to accede to such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

29 V. c. 68.

1. The Act passed in the twenty-ninth year of Her Majesty's reign, chapter sixty-eight, shall be and the same is hereby repealed.

The said Act repealed.

2. This Act shall be a Public Act.

Public Act.

CAP. LXXIV.

An Act to amend the City of Hamilton Debentures Act, 1864, by giving to the City additional powers in selling lands for arrears of taxes, and for more clearly defining the rights and liabilities of purchasers of land sold under that Act, and for other purposes.

[Assented to 15th August, 1866.]

WHEREAS by the City of Hamilton Debentures Act, 1864, it is among other things enacted, that lands liable to taxes may, under the provisions of that Act, be sold in each year whenever the arrears due thereon shall have been due for the space of twelve calendar months; and whereas, previously to the passing of the said Act, taxes had been assessed and imposed upon lots in the said city, which are now chargeable therewith under the General Assessment Act, but the same are not yet liable to be sold for such previous arrears by reason of the full period of five years specified in the Assessment Act not having expired, and it is necessary to make some provision for securing to the city the payment of such arrears, and of defining by law the title which the purchasers of such lots will obtain under such sales, under the said Act of 1864; and whereas, in consequence of the largeness of the arrears in some cases, it has been found impossible to sell the lands for the amount due thereon, and it is expedient to make some further provision for realizing the amount of such arrears: Therefore, Her Majesty, by and with the advice and consent of the

Preamble.

the Legislative Council and Assembly of Canada, enacts as follows :

Taxes due on lands under Assessment Act not to be a charge on lands sold under Hamilton Debentures Act, but to be paid out of any surplus on the sale.

1. In all cases where lands shall be sold under the provisions of the City of Hamilton Debentures Act, 1864, such lands being at the time subject and liable to taxes which had been assessed or imposed prior to the passing of that Act, the sale shall confer and vest in the purchaser, the land so sold in fee simple or otherwise, according to the nature of the estate or interest sold, free and clear of all charges and incumbrances thereon ; Provided always, that out of the moneys paid on such sale, if sufficient therefor, there shall be retained by the said City, any arrears of taxes due to the said city under the General Assessment Act, and the balance of such moneys, if any, shall be paid over to the person to whom the same shall rightfully belong after the payment of all such arrears.

But sales may be made as heretofore under Assessment Act.

2. Nothing in the said Hamilton Debentures Act, 1864, or in this Act contained, shall be held or construed to prevent a sale of the said lands or any other lands within the city for taxes unpaid before the passing of that Act, under the provisions of the said Assessment Act, but such sales may proceed under the Assessment Act, as if this Act and the said Hamilton Debentures Act had not been passed ; Provided always, that if at the time when the warrant to sell under the Hamilton Debentures Act shall be prepared and placed in the hands of the High Bailiff for execution, any part of the taxes so imposed under the general Act, upon any lot comprised in such warrant, shall be in arrear for five years and upwards, it shall be lawful to add the total arrears due thereon to the other taxes, and sell for the full amount of such arrears and costs.

Proviso : if five years taxes are in arrears on lands sold under Debentures Act.

Rights as regards redemption of lands so sold.

3. It shall be lawful at any such sale as is referred to in the next preceding section, to sell the lands for the best price that can be obtained therefor, but the owner of such land shall be entitled to redeem within the period defined by law, upon payment or tender to the Chamberlain, of the full amount of redemption money required by the Assessment Act, and the Chamberlain shall thereupon hold and deduct for the use and benefit of the purchaser the amount of his purchase money, and ten per centum thereon.

In case it be found impossible to sell lands.

4. The High Bailiff may adjourn any sale from time to time, and if he shall be unable from any cause to sell the whole of the property comprised in his warrant, he shall in his return to the Chamberlain specify such of the lands as remain in his hands unsold, and the same shall be thereupon entered again by the Chamberlain in his books and included in his warrant to the High Bailiff in the year succeeding such return.

Public Act.

5. This Act shall be deemed a Public Act, and may be known and cited as the City of Hamilton Debentures Act, 1866.

CAP. LXXV.

An Act to amend the Act twenty-seventh and twenty-eighth Victoria, chapter seventy-one, intituled: *An Act to incorporate the Board of Trade of the City of Hamilton.*

[Assented to 15th August, 1866.]

WHEREAS the Council of the Board of Trade of the City of Hamilton have, by their petitions, represented that the fourth and the eleventh sections of the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter seventy-one, intituled: *An Act to incorporate the Board of Trade of the City of Hamilton*, restrict the freedom and mar the usefulness of the said Board of Trade, and have prayed that the said fourth and the said eleventh sections may be amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

27, 28 V. c. 71.

1. The said fourth section of the Act cited in the preamble of this Act is hereby amended by increasing the number of the members of "The Council of the Board of Trade" to twenty-five, including the President, Vice-President and Secretary.

Section 4 amended.

2. The said eleventh section of the Act cited in the preamble of the Act, shall be and the same is hereby repealed, and the following shall be and is hereby substituted for the said eleventh section, and is declared to be a part of the said Act of incorporation of the said Board of Trade of the City of Hamilton, and shall be read and construed as the eleventh section thereof:

Sec. 11 repealed and new section substituted.

"11. At any general meeting of the said Corporation, it shall be lawful for any member of the said Council, or of the said Corporation, to propose any person resident or doing business in the said city, as a candidate for becoming a member of the said Corporation, and if such proposition be carried by a majority of two-thirds of the members of the said Corporation then present, the person so proposed shall thenceforth be a member of the Corporation, and shall have all the rights, and be subject to all the obligations which the other members possess or are subject to."

The new section.

Proposing new member.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXVI.

An Act to incorporate the Board of Trade of the City of London.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Honorable Elijah Leonard, the Honorable John Carling, Walter Simson, Charles Hunt, C. P. Smith, Frederick Rowland, Charles J. Hope, Frank Smith, W. C. Menzies, Andrew Cleghorn, E. W. Hyman, Robert Reid, Lewis Leonard, David Farrar, Henry Strathey, Thomas Churcher, and others hereinafter named, resident in the City of London, have, by their petition to the Legislature represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they have deemed important, towards developing the general trade and commerce of this Province, and the City of London in particular, and have further represented that the said association would be more efficient in its operations should an Act of incorporation, conferring certain powers on them and their successors, be granted; and whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The said, the Honorable Elijah Leonard, the Honorable John Carling, Walter Simson, Charles Hunt, Charles P. Smith, Frederick Rowland, Charles J. Hope, Frank Smith, W. C. Menzies, Andrew Cleghorn, E. W. Hyman, Robert Reid, Lewis Leonard, David Farrar, Henry Strathey, Thomas Churcher, with Thomas Whan, John McIntosh, John Beattie, Thomas Wilson, H. Waterman, Charles Dunnett, A. T. Chapman, W. Wallace, Andrew Chisholm, John Alanson, D. Carrie, Edward Beltz, and such other persons, residents of the City of London, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of the "London Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy, any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, to acquire instead thereof;

Corporate
name and
general pow-
ers.

thereof; Provided always, that the clear annual value of the real estate held by the said corporation, at one time, shall not exceed five thousand dollars; and provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or may be necessary for carrying the same into effect, according to its true intent and meaning.

Proviso: real property limited.

Proviso: as to corporate powers.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of this Province generally, and of the City of London in particular, or as may be necessary to attain the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

Application of funds.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation.

Domicile and service of process.

4. For the management of the affairs and business of the said corporation there shall be a council, to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, a Secretary, and twelve other members of the said council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said council.

Council, of whom to consist.

5. The said Walter Simson shall be President, the said Frank Smith shall be Vice-President, the said Thomas Churcher, the Secretary, and the said W. C. Menzies, A. Cleghorn, E. W. Hyman, E. Beltz, A. T. Chapman, Chas. Hunt, Charles James Hope, Robert Reid, L. Leonard, Thomas Whan, David Farrar, D. Currie, and H. Strathey, the other members of the council, until the first election to be had under the provisions of this Act; and the council hereby appointed shall, until the said election, have all the powers assigned to the council by this Act.

First President, V. President and the members of the Council.

Powers.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the last Friday in January, April, July, and October, at some place within the City of London, of which notice naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through the newspaper or otherwise as may be thought necessary by the said council; and at the general meeting on the last Friday in the month of April, the members of the said corporation present or a majority of them, shall then and there elect

General meetings and election of president and members of the Council.

Proviso : in case of failure of election.

elect in such way as shall be fixed by the By-laws of the corporation, from among the members of the corporation, one president, one vice-president, and the secretary, and twelve other members of the council, who, with the president, vice-president, and secretary, shall form the council of the said corporation, and shall hold their offices until others shall be elected in their stead, at the next general meeting in the month of April, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation ; Provided always, that if the said election shall not take place on the last Friday in the month of April, as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the council in office shall remain members until the election shall be had. .

Filling vacancies.

7. If any member of the said council shall die or resign his Office, or be absent for four months continuously, from the meetings of the said council, it shall be lawful for the said council, at any meeting thereof, to elect a member of the said corporation, to be a member of the said council in the place of the member so dying or resigning or being absent, and such new member shall be so elected by a majority of the members of the said council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer, unless re-elected.

Majority to have full powers.

8. At any annual or general meeting of the said Corporation, whether for the purpose of electing members of the council or for any other purpose, a majority of members present at such meeting, shall be competent to do and perform all acts which, either by this Act, or by any by-law of the said Corporation, are or shall be directed to be done at any such general meeting.

Retirement of members.

9. Any member of the said corporation intending to retire therefrom or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Making By-laws, for what purposes.

10. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its council, officers and affairs, and for the guidance of the board of arbitrators hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of this Province, as such majority shall deem advisable ; and such

such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control; provided that no by-law shall be made or enacted by the said corporation without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

Proviso: notice of proposed By-laws.

11. Each and every person then resident in the city of London, and being or having been a merchant, trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said council or of the said corporation, to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation, then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; provided always, that any person not being a merchant or trader, mechanic, manager of a bank, or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Who may become members of the corporation and how.

Proviso: as to members not being traders, &c.

12. It shall be lawful for the said council, or a majority of them, by a notice inserted in one or more newspapers published in the said city of London, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, to each member, and mailed one day previous to the said meeting, to call a general meeting of the said corporation or any of the purposes of this Act.

Special general meetings.

13. It shall be competent to the said council to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or by the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the Secretary at the instance of the President, or upon the request of any two members of the council, and the said council shall, in addition to the powers hereby expressly conferred on them have such powers as shall be assigned to them by any by-law of the corporation, except only the power of making or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act, and no other; and any five or more members of the council, lawfully met (and of whom the President or Vice-President shall be one, or in case of their absence, any five or more members lawfully met) shall be a quorum, and any majority

Meetings of the Council.

Powers.

Quorum.

of such quorum may do all things within the powers of the council; and at all meetings of the said council and at all general meetings of the corporation, the President, or in his absence, the Vice-President, or if both be absent, any member of the council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of votes upon any division, have a casting vote.

Council to
frame By-laws.

14. It shall be the duty of the said council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the said council best adapted to promote the welfare of the said corporation and the purpose of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose, in the manner hereinbefore provided.

Recovery of
subscriptions,
&c.

15. All subscriptions of members due to the said corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said corporation, shall be paid to the Secretary thereof, and in default of payment, may be recovered in an action brought in the name of the said corporation, and it shall only be necessary in such action to allege that such person indebted to the said corporation in the sum of money, the amount of such arrearage, on account of such subscription penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

Proof in such
case.

16. On the trial or hearing of any such action, it shall be sufficient for the said corporation to prove that the defendant at the time of making such demand, was or had been a member of the said corporation, and that the amount claimed by such subscription, penalty or otherwise, was standing unpaid upon the books of the said corporation.

Meetings of
Council to be
open.

17. The meetings of the members of the council shall be open to all members of the said corporation who may attend the same, but who shall take no part in any proceedings thereat, and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary of the said corporation; and the entry thereof shall be signed by the President of the said council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said corporation free from any charge.

Record thereof.

Board of arbit-
ration.

18. At the same time and times as are hereby appointed for the election of the said council, and in the same manner shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board which shall be called "The Board of Arbitration," and to

ee of whom shall have power to arbitrate upon and make
ir award in any commercial case or difference which shall
voluntarily referred to them by the parties concerned ; and Powers.
enever any such parties shall agree to bind themselves, by
nd or otherwise, to submit the matter in dispute between them
decision of the said board of arbitrators, such submission
ll be understood to be made to any three members of the
d board, who may, either by the especial order of the said
rd, or by virtue of any general rules adopted by them, or
ler any by-law of the said corporation touching the con-
eration of any cases so submitted, be appointed to hear,
itrate and decide upon the case or cases so submitted to
m, and such decision shall be binding upon the said board
l the parties making the submission ; and any such sub- Form of sub-
mission shall be according to the form set forth in the schedule mission.
his Act, or in words to the same effect.

9. The several members of the said Board of Arbitration Members to
ll, before they act as such, take and subscribe before the be sworn.
sident or Vice President of the said corporation, an oath
they will faithfully, impartially and diligently, perform
r duties as members of the said Board of Arbitration, and
oath shall be kept among the documents of the said corpo-
on.

10. Any member of the council of the said corporation may Members of
e same time be a member of the said Board of Arbitration. Council may
be arbitrators.

11. The three members appointed to hear any case sub- Powers for
ed for arbitration, as aforesaid, or any two of them, shall hearing cases.
e full power to examine upon oath (which oath any one of
1 three members is hereby empowered to administer) any
y or witness, who, appearing voluntarily before them, shall
willing to be so examined, and shall give their award
e upon in writing, and their decision, or that of any two of
n, given in such award, shall bind the parties according to Award.
terms of the submission and the provisions of this Act.

12. From and after the passing of this Act, it shall be Power to ap-
lul for the council of the said corporation to appoint five point board of
ons to constitute a Board of Examiners for the City of examiners of
don, for the year commencing on the first day of September inspectors.
next, and ending on the thirty-first day of August follow-
to examine applicants for the office of inspector of flour
rneal, or of any other article subject to inspection, and for
said council to do all such other acts, matters and things,
ected with the inspection of flour and meal or any other
le, and have as full power and be subject to the same
itions as those conferred upon and required of the councils
e Boards of Trade, by virtue of the Act chapter forty-seven
e Consolidated Statutes of Canada ; and the said examiners
inspector shall also be subject to all the conditions,
requirements,

requirements, oaths, matters and things (touching their offices set forth in the said Act.

Oaths and affirmations.

23. Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such case as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Her Majesty's rights saved.

24. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Public Act.

25. This Act shall be deemed a Public Act.

SCHEDULE.

Form of a submission to the Board of Arbitration.

Know all men, that the undersigned and the undersigned (*if there be more parties, that is, more separate interests, mention them,*) having a difference as to the respective rights of the said parties, in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars, to perform the award to be made by the Board of Arbitration of the Board of Trade of the City of London, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the City of London, on the day of A. D., 18

A. B.,	[L. S.]
C. D.,	[L. S.]
E. F.,	[L. S.]

FORM OF OATH.

To be taken by members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board

Board of Trade of the City of London ; and that I will in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God.

C A P . L X X V I I .

An Act to authorize the Town of Stratford to issue Debentures for redeeming their outstanding Debentures.

[Assented to 15th August, 1866.]

WHEREAS the Corporation of the Town of Stratford have petitioned to be authorized to issue a certain number of debentures for the purpose of redeeming the outstanding debentures of the said Town, for which no sinking fund has been provided, and which debentures were issued under two by-laws, numbered respectively eleven and forty; number eleven passed on the twenty-sixth day of July, one thousand eight hundred and fifty-six, for the purpose of making side-walks, grading streets, and otherwise improving the said Town ; number forty passed on the twentieth day of September, one thousand eight hundred and fifty-nine, to aid the Stratford Northern Gravel Road Company ; and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Corporation of the Town of Stratford may pass a by-law or by-laws for authorizing the issuing of debentures of the said town, for a sum not exceeding in the whole thirty-six thousand dollars, to redeem certain debentures, issued under the aforesaid by-laws passed in the years one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-nine, and numbered in the books of the corporation, eleven and forty ; and it shall not be necessary with respect to any such by-law, to comply with the provisions of section two hundred and twenty-four of chapter fifty-four of the Consolidated Statutes for Upper Canada, which requires the assent of the electors of the Municipality ; and the Corporation may repeal the said by-laws, numbered eleven and forty, so far as regards the levying of rates imposed by such by-laws, for the redemption of such original debentures and the payment of interest on the same.

New debentures may be issued to redeem those outstanding under certain By-laws,

Without observing certain provisions of the Municipal Act.

2. The debentures to be issued under the preceding section of this Act, shall be made payable not more than twenty years after the date thereof, and at such place or places in this Province, and shall be for such sum or sums not less than one hundred dollars each, and in Provincial or other currency, and shall bear interest at such rate, not exceeding eight per cent. per annum, as the corporation of the town may think fit.

Form, period of payment, rate of interest, &c.

Loan of may
be raised on
such debentures.

3. The Corporation of the said Town may raise, by way of loan, upon the credit of the said debentures to be issued under the first section of this Act, a sum of money not exceeding in the whole the sum of thirty-six thousand dollars, and a rate of interest not greater than eight per centum per annum may be received thereon and be payable thereby.

Treasurer to
call in outstand-
ing debentures.

4. The Treasurer of the Corporation shall, on receiving instruction so to do from the Council, call in the outstanding debentures mentioned in the Preamble of this Act, and shall discharge the same with the funds raised upon the debentures issued under the by-law to be passed under the provisions of this Act, or may substitute therefor the said debentures or any of them hereby authorized to be issued, as may be agreed upon between the Corporation and the holders of such outstanding debentures, or other the said creditors of, or claimants upon the corporation.

Special rate for
payment of debentures under
this Act.

5. For payment of the debentures to be issued under the provisions of this Act, the Council shall, and they are hereby required to impose a special rate per annum (over and above, and in addition to, all other rates to be levied in each year, and over and above the interest to be payable on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose.

Investment of
such rate as a
Sinking Fund.

6. The Council shall, and it shall be the duty of the Treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may by Order in Council direct, and all dividends or interest on the said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act.

Sec. 224 of
municipal Act
of U. C. not
to apply.

7. The provisions of the two hundred and twenty-fourth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting Municipal Institutions, or any provision in the said chapter inconsistent with this Act, shall not apply to this Act nor to any by-law or by-laws to be passed under the authority thereof.

Application of
proceeds of
debentures.

8. The proceeds of the debentures aforesaid shall be applied to the redemption of the debentures issued by the town, and the payment of interest accruing as stated in the first section of this Act, as they respectively fall due, and for no other purpose whatever.

Public Act.

9. This Act shall be deemed a Public Act.

CAP. LXXVIII.

An Act to authorize the Corporation of the Township of St. Vincent, in the County of Grey, to construct a harbour at the mouth of Bighead River, in the said Township, to impose and collect harbour dues, and for other purposes.

[Assented to 15th August, 1866.]

WHEREAS the Corporation of the Township of St. Vincent, in the County of Grey, have by their petition represented, that under the authority of By-law number twelve, of the said corporation, for one thousand eight hundred and sixty-five, they have imposed and rated the said Township in the sum of ten thousand dollars, for the purpose of constructing the harbour at the mouth of Bighead River, in the said Township; and that doubts have arisen as to the legality of such imposition and rate; and have prayed; that the same and all future appropriations of money for such purposes may be declared valid and legal; and whereas the said corporation has further prayed that authority may be given to them to pass a by-law or by-laws for the imposition and collection of a tariff of dues on goods, wares, merchandise and chattels shipped on or landed from any vessel, within the limits of the said proposed harbour, for the purpose of enabling them to maintain and keep in repair the said harbour; and whereas the improvements proposed to be made by the construction and extension of such harbour will be of great benefit and advantage to persons navigating the Georgian Bay, at all seasons of navigation, and it is therefore expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Corporation of the Township of St. Vincent are authorized and empowered to construct, extend and improve the harbour at the mouth of Bighead River, in the said Township, to deepen, widen, and extend the harbour as far up the said river as the south side of Trowbridge Street in the Village of Meaford, and to make, construct and erect a breakwater in the said river or harbour.

Corporation may improve harbour at Bighead River.

2. The act of the said Corporation, in raising by By-law number twelve, for one thousand eight hundred and sixty-five, the sum of ten thousand dollars, for harbour purposes, is hereby declared valid and legal, and any future By-laws of the said Corporation for raising further sums of money to aid in the progress and completion of the said harbour, shall be valid and legal, such future By-laws being first submitted to the rate-payers of the said Township, in accordance with the provisions of the Municipal Act for Upper Canada, and approved as required by the said Act.

Loan raised for that purpose declared valid.

By-laws for
imposing tolls
may be made.

Such Tolls
limited.

3. The said corporation of St. Vincent are authorized and empowered to pass By-laws for the imposition and collection of tolls, to be employed, after the expenses of collection, for the purpose of assisting in liquidating the debt incurred or which may be incurred by the said corporation, in constructing, improving and keeping in repair the said harbour and the works connected therewith, on all goods, wares, merchandise, and chattels shipped or landed on board or out of any vessel, boat or other craft, from or upon any part of the said Bighead River, within the limits of the said harbour, or on or upon the lands or premises adjacent thereto and belonging to the said corporation, and upon all logs, timber, spars and masts going through the same, or any part thereof, and on all vessels entering the said harbour, not exceeding the rates following, that is to say :

	Cents.
Flour or meal, per barrel.....	3
Ale, Beer or Porter.....	5
Grain of all kinds per bushel.....	1
Timothy and clover seed, per bushel.....	2
Potatoes and other roots, per bushel.....	1
Pork, beef, lard or butter, per barrel.....	5
Apples, fish, salt, water-lime or plaster, per barrel.....	2
Potash, pearlash, molasses, whisky, vinegar, per barrel.....	6
Lard or butter, per keg or firkin.....	2
Brandy, gin, rum, wines or highwines, per barrel.....	10
Lime, per barrel.....	1
Horses or horned cattle, each.....	10
Calves, sheep or swine, each.....	2
Fowls of all kinds, each.....	1
Sawed lumber, per M. feet.....	12
Square or round timber, per 100 cubic feet...	5
Saw logs, each.....	1
Shingles and laths, per M.....	2
Staves, per M.....	5
Coal, per ton.....	15
Pig, bar, scrap, or cast iron, per ton.....	25
Castings, chain cable, nails and spikes, per ton.	25
Leather, per 100 lbs.....	2
Furniture, per 100 lbs.....	2½
Merchandise, not herein enumerated, per ton..	40
Grindstones, per ton.....	25
Nursery produce, per ton..	40
Earthen or stone ware, per crate or hhd.....	6
Threshing machines, each.....	\$1 00
Reaping and mowing machines, each.....	50
Horse rakes, straw cutters, root slices, and ploughs, each.....	5
Vehicles of all kinds, each.....	25
	Fanning

	Cents.
Fanning mills, each.....	12
Bricks, per M.....	5
Hides and skins, per 100 lbs.....	5
Hay, per ton.....	10
Hops, per 100 lbs.....	10
Eggs, per barrel or box.....	4
Cordwood, per cord.....	5
All articles not herein enumerated, per 100 lbs.	2½
Vessels of 100 tons register and upwards.....	\$1 00
Vessels of 10 tons, and not exceeding 100 tons register.....	50

Provided that the By-law or By-laws imposing the said tolls or harbour dues shall be approved by the Governor in Council before having any force or effect, and that an annual return shall be made to Parliament of the amounts collected under the same and the mode of expenditure.

Proviso: to be approved by Governor in Council.

4. If any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, and under any By-law that may be passed under the authority thereof, it shall be and may be lawful for the said corporation or their officer, clerk, servant, agent or lessee, to seize and detain the goods, wares, merchandise and chattels, logs, timber, spars and masts, on which the same are due and payable, until such tolls or dues are paid, and if the same shall be unpaid for the space of thirty days next after such seizure, the said corporation or their officer, clerk, servant or lessee, as aforesaid, may sell and dispose of the said goods, wares, merchandise, chattels, logs, timber, spars or masts or such part thereof as may be necessary to pay the said tolls or dues and the reasonable costs and charges of keeping and selling the same, by public auction, giving ten days' notice thereof, returning the overplus, if any, to the owner or owners thereof.

Provision for enforcing payment of Tolls.

5. Every vessel, boat or other craft, on board of which goods, wares, merchandise, chattels, and other things may be shipped, shall be liable for the dues chargeable against such goods, wares, merchandise, chattels and other things, and, in the event of non-payment thereof, may be detained until payment thereof is made.

Vessels to be liable for.

6. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXIX.

An Act to enable the Municipality of the Town of Belleville to purchase a site for a public Cemetery, and to exempt the Roman Catholic rate-payers of the said Municipality from taxation on account of the same.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Municipal Council of the corporation of the Town of Belleville have, by their petition, prayed that an Act be passed enabling them to purchase a site for a public Cemetery for the said town, and, at the same time, to exempt the Roman Catholic rate-payers of the said municipality from taxation on account of the purchase thereof, they having already purchased a Cemetery for the use of Roman Catholics; there being doubts as to the power they now have to exempt the Roman Catholic rate-payers as aforesaid; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town Corporation may purchase a site for a Cemetery and raise a loan.

1. The said Municipal Council of the Corporation of the Town of Belleville are hereby empowered to purchase such site for a public Cemetery, for the said Town, as to them shall seem desirable, and to issue debentures for the payment of the purchase money of the same, provided a By-law, authorizing such purchase and the issue of such debentures, be first passed by said Council.

Certain provisions to apply.

2. All and every of the provisions of the Municipal Institutions Act of Upper Canada respecting the passing of By-laws for the creation of debts, or the issue of debentures for the payment thereof, not inconsistent with this Act, shall apply to such By-law; Provided, however, that no Roman Catholic who avails himself of the privilege of being so relieved from taxation in respect of the said Cemetery shall vote upon the acceptance or rejection of the said By-law by this Act authorized when the same is submitted to the rate-payers of the said Town.

Proviso: as to Roman Catholic.

May be exempted expressly.

3. The said Council are hereby empowered to enact in and by such By-law that the Roman Catholic rate-payers of the said Municipality shall be exempt from taxation on account of the purchase of or in any way connected with the said Cemetery or the purposes thereof.

Enactments to apply.

4. All and every of the provisions of the said Municipal Institutions Act affecting or relating to public Cemeteries not inconsistent with this Act shall apply to such By-law.

Further provision as to Roman Catholics.

5. Every Roman Catholic who is proprietor of rateable property within the said Town of Belleville, who by himself or his

his agent, on or before the first day of October of the present year, or on or before the first day of March in any following year, gives to the clerk of the Municipality of the Town of Belleville notice in writing that he is a Roman Catholic, shall be exempted from the payment of all rates imposed for the payment of the purchase money of the site for the said Cemetery, or for any purpose connected with the said Cemetery.

6. The said Council shall make regulations to ensure all Burials within the said Cemetery being conducted in a decent and solemn manner. Regulations for Burials.

7. The said Council shall furnish graves in the said Cemetery for strangers, and the poor of all denominations free of charge, on the certificate, in the latter case, of a Minister or Clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the Cemetery. Graves for strangers, or poor.

8. The lots or plots of the said Cemetery, when conveyed by the said Municipality to individual proprietors, for burial sites, shall be exempt from taxation of any kind, and shall not be liable to be seized or sold under execution, or attached, or applied to the payment of debts under any Bankrupt or Insolvent Law. Lots exempt from taxation.

9. When a lot shall have been sold by the said Council for a burial site, the conveyance shall not require to be registered for any purpose whatever, and shall not be affected by any Registry Act, nor shall any judgment, mortgage, or incumbrance subsist on any lot so conveyed. Conveyance of not subject to registration.

10. One half of the proceeds of all sales of burial sites, made by the said Council, shall be first applied to the payment of the purchase money of the land so to be acquired by the said Council, and the residue to the preserving, improving and embellishing the land as a Cemetery or Burial Ground, and to the incidental expenses attending the same; and, after payment of the purchase money, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the Cemetery and the incidental expenses thereof, and to no other purpose whatever. Application of proceeds of sale.

11. Any person who fraudulently gives any such notice or wilfully makes any false statement therein shall not thereby secure exemption from rates, and shall be liable to a penalty of forty dollars, recoverable with costs before any Justice of the Peace at the suit of the Municipality of the Town of Belleville. Penalty for false statements.

12. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X .

An Act to incorporate the Town of Bothwell and to define the limits thereof.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the inhabitants of the unincorporated village of Bothwell, in the township of Zone, in the county of Kent, have, by their petition, represented that it is desirable, in order to promote the progress and prosperity of the said village, and to enable the inhabitants thereof to carry out the improvements they are desirous of making, and to provide necessary arrangements for the preservation of the peace within the limits of the said village, that the said village be incorporated as a town; and that according to a census duly taken under a By-law of the Corporation of the said township, the number of inhabitants residing within the boundaries of the said town as described in the second section of this Act, amounts to three thousand five hundred and sixty-two; and whereas the provisions of the Municipal Corporations Act of Upper Canada are inadequate to provide for the incorporation of the said village as a town in the first instance, and it is expedient to grant the prayer of the said petitioners, and to provide accordingly: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Bothwell incorporated as a Town.

1. From and after the passing of this Act, the inhabitants of the said village shall be a body corporate, apart from the township of Zone, in which the said village is situated, with such powers and privileges as are now or shall hereafter be conferred on incorporated towns in Upper Canada, and the powers of such Corporation shall be exercised by, through and in the name of the Corporation of the Town of Bothwell.

Boundaries of the Town.

2. The said town of Bothwell shall comprise and consist of the following lots and parcels of land, that is to say, lots numbers eleven and twelve and thirteen in the ninth concession, lot number twelve in the tenth concession, lots numbers one, two, three, four, five, six, seven, eight, nine and ten, in the first range north of the Longwoods road, and lots numbers seventeen, eighteen, nineteen, twenty and twenty-one in the River Thames range, south of the Longwoods road, all in the said township of Zone.

Wards.

3. The said town of Bothwell shall be divided into five wards, to be called respectively, St. George's Ward, St. Andrew's Ward, St. Lawrence Ward, St. David's Ward, and St. Patrick's Ward:

St. George's Ward.

1. St. George's Ward shall comprise parts of lots eleven, twelve and thirteen in the ninth concession, forming a triangle, bounded

bounded on the south by the Great Western Railway track, on the west by the concession road between the eighth and ninth concessions in the said township, and on the east by the line of Main Street, as laid down on the plan of the said village ;

2. St. Andrew's Ward shall comprise those parts of lots twelve and thirteen in the ninth concession, bounded on the south by the Great Western Railway track, on the east by the concession road between concessions nine and ten, on the north-east by the boundary line between lots thirteen and fourteen in the ninth concession, on the west by the line of Main Street aforesaid, and on the north-west by the concession road between concessions eight and nine in the said township of Zone ;

St. Andrew's
Ward.

3. St. Lawrence Ward shall comprise those parts of lots eleven and twelve in the ninth concession in the said township of Zone, south of the Great Western Railway track, and west of Peter Street, as laid down in the plan of the said village ; also parts of lots four, five, six, seven, eight, nine and ten in the range north of the Longwoods road, in the said township, being the parts of the said lots lying to the west of Peter Street aforesaid ;

St. Lawrence
Ward.

4. St. David's Ward shall comprise lot twelve in the tenth concession, and parts of lots four, five, six, seven, eight, nine and ten in the range north of the Longwoods road in the said township, being the parts of the last mentioned lots, lying to the east of Peter Street aforesaid ; also parts of lots eleven and twelve in the ninth concession of the said township, being the parts of the said lots situated to the south of the Great Western Railway track, and east of Peter Street aforesaid ; also lots one, two and three in the range north of the Longwoods road in the said township ;

St. David's
Ward.

5. St. Patrick's ward shall comprise lots seventeen, eighteen, nineteen, twenty and twenty-one, in the river range south of the Longwoods road in the said township.

St. Patrick's
Ward.

4. Immediately after the passing of this Act, it shall be lawful for the Governor of this province to appoint a Returning Officer for the town of Bothwell, which said Returning Officer shall appoint the time and place for holding the said first election in the several wards of the said town, to be held not later than one month from the time of his said appointment, of which appointment for the holding of the said election, the said Returning Officer shall give notice in a newspaper published in the said town, or if there be no newspaper published there, then by notice posted in at least three conspicuous places in the said town, ten days before the said election ; and shall, by his warrant, appoint a Deputy Returning Officer for each of the wards into which the said town is divided ; and in the discharge

Returning
officer for first
election.

Deputies.

discharge of their duties, such Returning Officer and Deputy Returning Officers shall be respectively subject to all the provisions of the Acts respecting the Municipal Institutions of Upper Canada applicable to Returning Officers at elections in towns in Upper Canada; Provided always, that at the first and second elections to be held in the said town, the qualification of the electors and of the mayor and councillors shall be the same as that of elections of councillors in townships.

Proviso:
Qualification of
Electors, &c.

Nomination of
candidates.

5. The meeting of the electors shall take place for the nomination of candidates for the mayoralty at a time and place to be appointed by such Returning Officer, of which appointment notice shall be given as provided for the said first election, in the next preceding section of this Act; such meeting to be held at least one week before the said election.

Notice.

Returning officer
to preside.

6. The said Returning Officer shall preside at such meeting, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a Returning Officer.

Proceedings at
Election.

7. The proceedings otherwise in the said election for the office of mayor shall be as prescribed by law with respect to such elections in towns in Upper Canada.

Returns by
Deputies.

8. Every Deputy Returning Officer shall make the returns required by the one hundred and tenth section of the Municipal Institutions Act to the said Returning Officer, who shall have all the powers and perform the several duties of town clerks with respect to municipal elections in towns in Upper Canada.

Copies of Col-
lectors Roll to
be furnished to
Returning
Officer.

9. The collector or township clerk of the township of Zone, or other person having the legal custody of the collector's roll of that township for the year one thousand eight hundred and sixty-six, shall furnish to the Returning Officer on demand made to him for the same, true copies of such roll so far as the same relates to voters resident in the several wards in the said town, and, so far as such roll contains the names of the male freeholders and householders rated upon such roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such roll, which copies shall be verified on oath, or as is now required by law.

Oath of office.

10. The said Returning Officer and Deputy Returning Officers before holding the said election shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated towns in Upper Canada.

Subsequent
Elections.

11. Elections for mayor and councillors for the said town of Bothwell, after the year one thousand eight hundred and sixty-six, shall be held in conformity with the provisions of law applying to incorporated towns in Upper Canada.

12. The several persons who shall be elected or appointed under this Act, shall take the oaths of office and of qualification now prescribed by law.

Oaths of qualification, &c.

13. The council of the said town of Bothwell to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and of two councillors for every ward, and they shall be organized as a council in the same manner as in towns incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the powers and privileges vested in the mayor and councillors in incorporated towns.

Constitution of the Town Council.

14. From and after the holding of the election under this Act, the said town shall cease to form part of the township of Zone, and shall, to all intents and purposes, form a separate and independent municipality, with all the privileges and rights of an incorporated town in Upper Canada, but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debt contracted by the township of Zone aforesaid, but the said town of Bothwell shall be liable to pay to the treasurer of the township of Zone aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said town towards the payment of such debt, for the year one thousand eight hundred and sixty-five, and the same shall be a debt against the said town.

Town separated from Township of Zone.

Proviso as to debts.

15. The officers of the said council of the township of Zone shall not proceed to collect any rate or assessment imposed by the council for the present year within the limits of the said town, but the amount which may be required for the purposes of the said town shall be based on the assessment of the township assessor or assessors for the present year, and shall be collected by the officer or officers to be appointed by the said town council for that purpose.

Collection of rates in the Town; how made.

16. The clerk of the said township shall, and he is hereby required to furnish to the clerk to be appointed by the council of the said town, on demand made by him therefor, a true copy of the assessment roll for the present year, so far as the same shall contain the rateable property assessed within the said town, and the names of the owners or occupants thereof.

Copy of assessment Roll to be furnished.

17. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said town, and the expenses of furnishing any documents or copies of papers or writings, by the clerk or other officer of the council of the said township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said town council to the said township council or otherwise, as the said township council shall require.

Town's share of expenses of assessments for 1866.

18. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I .

An Act to incorporate the Village of New Edinburgh,
in the County of Carleton.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the inhabitants of that part of the Township of Gloucester, in the County of Carleton, commonly known as the Village of New Edinburgh, have by their petition represented that it has become the seat of residence of His Excellency the Governor General of Canada, and from the rapid increase of the population it has become necessary to confer upon it corporate powers, and prayed that it may have such powers conferred upon it; and it is desirable to grand the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Boundaries of
the Village of
New Edin-
burgh.

1. Those tracts of land being composed of parts of lots numbers two, three, four and five, in the Ottawa and Rideau junction gore of the township of Gloucester, described and lying within the following boundaries, that is to say: commencing at the northerly point of intersection of the waters of the north branch of the River Rideau with the waters of the Ottawa River, thence up stream along the water's edge on the northerly side of the said north branch of the River Rideau, to the point where the easterly boundary line of the "Rideau Hall Domain," if produced, would intersect the said water's edge, thence to and along the said easterly boundary line in a northerly direction to the most easterly point of the said domain, thence along the boundary line of the said domain in a north-westerly direction to a point where the east side of Thomas street in New Edinburgh aforesaid, if produced northerly, would intersect the said boundary, thence in a straight line running due north-west to and along the water's edge of the Ottawa River, to the place of beginning; also the tract of land commonly called and known as "Green Island," bounded on the north-east and south by the Rideau River, and on the west by the River Ottawa; shall, upon, from and after the first day of January, in the year of Our Lord, one thousand eight hundred and sixty-seven, cease to be part of the said township of Gloucester, and shall be incorporated as and shall be a village, to be called and designated as the Village of New Edinburgh.

Incorporation
on and after
1st Jan., 1867.Certain provi-
sions of U. C.
municipal Act
to apply to
New Edin-
burgh.

2. So much of the Act respecting the Municipal Institutions of Upper Canada as relates to incorporated villages, shall, upon from and after the day last aforesaid, apply to the said Village of New Edinburgh, and the said village shall have and exercise all and singular the rights, privileges, and jurisdiction which are thereby granted or conferred to or upon, or as, by virtue of the said Act or any Acts now in force, or hereafter to be

be in force in Upper Canada, shall belong to incorporated villages; and all the rules, regulations and enactments in the said Acts or any of them contained, or which shall in any wise apply to incorporated villages or the Municipal officers thereof, shall apply to the said village and the Municipal Councillors and officers thereof, as fully as if it had become an incorporated village under the ordinary operation of the said Act respecting the Municipal Institutions of Upper Canada.

3. The Municipal Council of the Township of Gloucester shall, after the passing of this Act, and before the first day of December next, appoint a fit resident of the said village to be returning officer for holding the first municipal election under this Act, who shall be subject to all the provisions of the said Act respecting the Municipal Institutions of Upper Canada, and all amendments thereof applicable to the first elections in villages incorporated under the said Acts; provided always, that at such first election to be held in the said village, the qualifications of electors and councillors shall be the same as in townships, and the township clerk for the said township shall furnish the returning officer appointed under this Act, or who shall hold the said first election, with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the persons entitled to vote at such first election.

Appointment
of Returning-
Officer at first
Election.

Qualifications
of electors and
Councillors.

4. The expenses of furnishing any documents or copies of papers and writings by the clerk or other officer of the Council of the said Township of Gloucester, shall be borne and paid by the said Village Council; and the Council of the said Village of New Edinburgh shall be entitled to recover from the said Township of Gloucester such share of all moneys on hand, and due, owing, and of right collectable by and belonging to the said township at and prior to the said first day of January next, as shall bear such proportion to the whole, as the amount of the assessed property within the limits of the said village, as shewn by the collector's roll of the year one thousand eight hundred and sixty-six, bears to the whole amount of the assessed property of the said township; and the said village shall be liable to pay to the said township municipality a share in the same proportion, of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due.

Expenses of
certain docu-
ments and pa-
pers, to be paid
by the Village.

Apportionment
of property and
liabilities of the
Township.

5. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X X I I.

An Act to divide the Township of Wawanosh into two separate Municipalities.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS certain of the inhabitants of the township of Wawanosh, in the County of Huron, have, by their petition, represented that it would tend to encourage and promote the advancement and prosperity of the said township, to divide the same into two distinct municipalities : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Wawanosh
divided into two
municipalities,
for all purposes.

West Wawa-
nosh.

East Wawa-
nosh.

Certain sec-
tions of Muni-
cipal Act to
apply.

First elections
in the two divi-
sions of the
Township.

1. Upon, from and after the first day of January next after the passing of this Act, that part of the present Township of Wawanosh lying to the west of a line drawn (nearly north and south) between lots twenty-seven and twenty-eight in the several concessions of the said township, shall form and become, for all municipal and election purposes, a separate and independent township and municipality, to be called the Township of West Wawanosh, and shall be such separate municipality for all municipal, school, judicial and other purposes whatsoever, in the same manner, to all intents and purposes, as though the said western section of the Township of Wawanosh had never formed part of the said Township ; and the said Township of West Wawanosh hereby erected shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon township municipalities in Upper Canada.

2. The remainder of the Township of Wawanosh, as heretofore constituted, lying to the east of the line drawn as aforesaid, shall, on and after the said day, constitute a separate township municipality, by the name of the Township of East Wawanosh, and shall enjoy and exercise all the rights and privileges conferred upon township municipalities by the Acts and laws in force in Upper Canada.

3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the Act respecting the Municipal Institutions of Upper Canada, shall apply to the division of the said township as heretofore constituted ; West Wawanosh being reckoned the senior township and East Wawanosh the junior township.

4. For the purpose of the first municipal elections after the passing of this Act, the Clerk for the Township of Wawanosh, as heretofore constituted, shall act as Returning Officer for the Township of West Wawanosh, and the Reeve of the Township of Wawanosh, as heretofore constituted, shall act as Returning Officer

Officer for the Township of East Wawanosh, and the said town clerk or reeve respectively shall procure, for the purposes of such election, the necessary copies of so much of the Collectors' Roll of the Township of Wawanosh as relates to the inhabitants of the said new townships respectively, as constituted by this Act; and the first municipal election for the township of West Wawanosh shall be held at such place in that township as the returning officer therefor shall appoint, by public notice, posted up at not less than four public places in the township, at least ten days before the election; and the first municipal election for the Township of East Wawanosh shall be held at such place as the returning officer therefor shall appoint in the manner aforesaid.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I I I .

An Act to extend the provisions of the Act Twenty-fifth Victoria, chapter forty, intituled: *An Act to establish and confirm certain roads in the Township of Reach.*

[Assented to 15th August, 1866.]

WHEREAS the Council of the Corporation of the Township of Reach, in the County of Ontario, have by their petition prayed that the provisions of the Act passed in the twenty-fifth year of Her Majesty's reign, chaptered forty, and intituled: *An Act to establish and confirm certain roads in the Township of Reach*, may be extended to a certain other road in the said township, and that doubts which exist as to the application of certain sections of the said Act, may be removed, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The provisions of the Act twenty-fifth Victoria, chapter forty, intituled: *An Act to establish and confirm certain roads in the Township of Reach*, shall apply to the following road in the said township, that is to say: "commencing on the western limits of lot number one, in the twelfth concession, thence running north-eastward to the dividing line between lots numbers one and two in the front of the fourteenth concession, thence running northward on the supposed dividing line between the said lots numbers one and two in the fourteenth concession, to the rear of the Township"—as fully and effectually as though the said road had been mentioned and included with the other roads mentioned in the first section of the said Act; and the said road shall be and is hereby established and confirmed as and declared to be a public highway.

Act 25 V. c.
40 extended to
another road.

The said Road
to be a public
highway.

Certain provisions of the said Act extended.

2. The provisions contained in sections three and four of the said Act, respecting the disposal of lands lying between certain existing roads therein mentioned and the lines on which such roads ought properly to have been made, shall apply to lands similarly situate, with respect to all or any of the roads confirmed and established by the said Act and by this Act, and may be enforced as regards any such lands, as effectually as they can be or could have been with respect to the lands in the said sections specially mentioned.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. LXXXIV.

An Act for the improvement of the Napanee River.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Douglas Hooper, James Nimmo, John Stevenson, Joseph Conelly, James J. Bartels and sundry others, owners or occupants of mills along the course of the Napanee River and its tributaries, have by petition prayed to be incorporated as a Company under the name of the "Napanee River Improvement Company," for the purpose of erecting reservoirs, and of improving and increasing the supply of water in the Napanee River, for manufacturing purposes, and it is expedient to grant the prayer of the said petitioners in the manner hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The said parties above named, together with all such others as now are or may hereafter become entitled to be members thereof, under the provisions of this Act, are hereby constituted a body politic and corporate under the name of the "Napanee River Improvement Company," and by such name they and their successors shall be capable of purchasing, holding and conveying, selling and departing with any lands, tenements and hereditaments which may be useful and necessary for the purposes of such Corporation; and every such work as aforesaid, and all the materials from time to time provided for constructing, maintaining or repairing the same, shall be vested in the said company and their successors.

Name.

General powers.

Who shall be members of the Corporation.

2. All persons now owning, or who may hereafter become owners of any mill or mill site, situated on the Napanee River or its tributaries, or consumers of water for mechanical purposes, benefited thereby, are and shall be *ipso facto* members of the aforesaid Corporation and as such, entitled to vote at the meetings for the election of directors according to the subsequent provisions of this Act.

3. Each member, as aforesaid, shall be entitled to one vote Votes. for every hundred dollars of annual assessed value or rental of such his mill or mill site; provided always, that no party shall be entitled to vote unless all sums, rates or assessments imposed under this Act, shall have been fully paid up.

4. Any member duly qualified and entitled to vote may, by Proxies. an instrument in writing under his hand and seal, appoint a proxy to vote in his stead.

5. Tenants paying assessments made or to be made as Certain tenants may be members. hereinafter provided, and having leases of not less than seven years, may vote and act as directors during the period of their tenancy, but in that case the owner shall have no vote in respect Proviso. of such property.

6. The affairs, property and concerns of the said Corporation shall be managed for the remainder of the current year by five directors, being the parties above named in the preamble hereto, and thereafter by five directors, being members, to be annually elected by the qualified voters above mentioned, on the second Morday in January in each year thereafter according to the provisions of a By-law to be passed by the Directors for that purpose. First and subsequent directors.

7. The said By-law and election, and subsequent proceedings of the directors thereunder, shall be made and had as directed in sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-five and twenty-six, of chapter sixty-eight of the Consolidated Statutes of Canada, intituled: *An Act respecting Joint Stock Companies, to construct works to facilitate the transmission of timber down rivers and streams.* Certain parts of Cap. 68, Con. Stat. Canada to apply.

8. The said Corporation shall have power to acquire and enter on lands, and refer claims arising therefrom, or from any injuries done thereto by the operations of the Corporation, to arbitration, as provided in sections from forty-one to fifty-seven, both inclusive, of the above cited chapter sixty-eight of the Consolidated Statutes of Canada. Power to enter on lands. Settlement of claims.

9. Any injury, or interference with the works of the said Corporation, or with the servants thereof, shall be punished in the manner provided in sections from sixty-seven to seventy-four, both inclusive, of the said chapter sixty-eight of the Consolidated Statutes of Canada. Certain provisions of cap. 68, Con. Stat. Can., to apply.

10. The Directors shall have power to assess the owners of mills or manufactories using the water along the course of the Napawee River, or its tributaries, according to their rateable value; determined by the assessors of the various Municipalities at the year last passed, for the purpose first of erecting and Assessment of mill owners, &c., for certain improvements.

and constructing suitable dams or reservoirs for the retention of the waters, and secondly of preserving and maintaining the same, and regulating the supply of water therefrom, and generally for all things necessary for carrying out the objects of their incorporation.

Amount of assessments limited.

11. Provided always, that the total amount so assessed and collected shall not in the first instance for defraying the original construction of such dams and reservoirs as aforesaid, exceed two cents in the dollar on the gross assessed value of the said properties, and thereafter the annual amount assessed for the maintainance and preservation of the same shall not exceed the rate of five cents in the dollar on the yearly assessed value or rental of the same.

How collected.

12. The said assessments may be collected in the same manner as rents, by distress warrant signed by the chairman of the board of directors.

Regulating flow of water.

13. The said directors shall have full power to regulate or suspend the flow of water from the said reservoirs when and in such manner as shall seem to them most advisable.

Power to take land, &c.

14. Subject to the conditions of the hereinafore recited Act, the said Corporation shall have power to take, use, enter upon and occupy any lands, and to construct any dams or reservoirs they may deem expedient upon or along the waters of the Napanee River and its tributaries, for the object of improving and increasing the supply of water therein for manufacturing purposes, and generally to do all things necessary for the accomplishing of the same.

Part of the said Act incorporated with this.

15. The sections of chapter sixty-eight of the Consolidated Statutes of Canada, hereinabove made applicable to proceedings, matters and things to be had or done under this Act, are incorporated with this Act.

Certain provisions of Con. Stat. U. C. cap. 48, to apply.

16. The provisions of the third, fourth, fifth, sixth, seventh and sixteenth sections of the forty-eighth chapter of the Consolidated Statutes for Upper Canada, respecting mills and dams, shall apply to this Act and the works to be constructed thereunder.

Public Act.

17. This Act shall be deemed a Public Act.

CAP. LXXXV.

An Act to adjust the boundary lines, and to settle the titles in certain ranges of the Township of Grenville.

[Assented to 15th August, 1866.]

WHEREAS by reason of defects in the original survey of the Township of Grenville, divers erroneous boundary lines have been laid down, whereby the boundaries of lots in the sixth, seventh and eighth ranges have become confused and uncertain, and Patents have been issued to parties actually occupying certain of such lots, wherein such lots are erroneously described : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The map or plan of James Dignan, Deputy Provincial Surveyor, made in June, one thousand eight hundred and fifty-eight, upon a verification survey of the said lots and ranges, made by order of the Honorable the Commissioner of Crown Lands, and deposited in the Department of Crown Lands, with the Report of the said James Dignan, under date the twenty-second day of July, one thousand eight hundred and fifty-eight, is hereby confirmed and established as fixing the true and legal boundaries of the lots therein described and shewn in accordance with the corrections of the said boundary lines suggested by the said James Dignan, in the said map or plan, and in the said report.

Preamble.
Plan and survey of J. Dignan, confirmed.

2. In every case in which it shall be found that the Letters Patent granted by Her Majesty in respect of any lot of land or part of a lot of land in any one of the said ranges, do not contain a correct description of such lot, it shall be lawful for the holder of such patent, or the proprietor of such lot, to surrender such Letters Patent to Her Majesty, or to consent to their being cancelled ; and thereupon new Letters Patent shall be issued to the person entitled to such lot of land ; and upon the issue of such new Letters Patent, the same shall be duly enregistered, and thereafter all deeds, instruments, conveyances, and *hypotheses* previously executed or created with reference to or affecting such lot of land, shall be held only to apply to and affect such lot of land as described in such new Letters Patent, and according to the boundaries thereof established by this Act, and not to any portion or parcel of land adjoining thereto, or heretofore purporting to constitute or form part of such lot of land.

New letters patent may issue in cases of error in the former patents.

How existing hypotheses, &c., shall apply.

3. This Act shall be deemed a Public Act.

Public Act..

CAP. LXXXVI.

An Act further to amend the Charter of the Quebec Bank.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Quebec Bank have by petition prayed for certain amendments to their Charter, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 22 of 22
V. c. 127
amended.

1. The twenty-second section of the Act known as "The Charter of the Quebec Bank," is hereby amended so that the same may read as follows:

In what man-
ner shares shall
be assignable
and trans-
ferable.

"22. Any share of the Capital Stock of the said Bank shall be held to be personal estate, and to be transmissible accordingly, and also shall be assignable and transferable at the Bank according to the form of the Schedule B, annexed to this Act; but no transfer shall be valid and effectual unless it be made and registered, with the consent of the Directors, in a book to be kept at the Bank for that purpose, and be therein accepted by the party to whom the transfer shall be made, or his lawful attorney, nor shall any assignment or transfer be valid or effectual, or be made or allowed, until the person or persons making the same shall have previously discharged all his, her or their debts and liabilities to the Bank, exceeding in amount the value of the remaining shares, if any, belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share, be assignable or transferable; Provided always that the Directors, notwithstanding the provisions aforesaid, may sanction and allow the transfer of stock held by any person who may be a debtor of the Bank, provided his debt be not exigible."

Debts to the
Bank must be
paid up.

Proviso: as to
debts not then
exigible.

On what con-
ditions Act
shall take
effect.

2. This Act shall not take effect unless accepted by a majority of the votes of the stockholders of the said Bank, present in person or by proxy at a general meeting of the said stockholders, held at the Bank in the City of Quebec, after such notice as by the said Act is required for the calling of general meetings of the stockholders, the object of such meeting being specially set forth in such notice.

Public Act.

3. This Act shall be a Public Act.

CAP. LXXXVII.

An Act further to amend the Charter of the Bank of Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Bank of Upper Canada hath, by petition under its corporate seal, prayed for further amendments to the Acts under which the said Bank is now carrying on its business,

business, and it is expedient that the prayer of the said petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. For and notwithstanding anything in any Act of the Parliament of this province contained, the shareholders of the said Bank may, at a special meeting to be called for that purpose, determine that the capital stock of the said Bank shall be one million of dollars, divided into fifty thousand shares of twenty dollars each, wholly paid up ; and the reduction therein shall be effected by placing each share at twenty dollars instead of thirty dollars ; the present amount thereof, and by the cancellation of so much of the present capital stock as now is or hereafter may be under the legal control of the said Bank.

Stockholders may reduce the Capital of the Bank, and how.

2. A written or printed notice of such meeting, specifying the day on which, and the hour and place at which, and the purpose for which it is to be held, shall be mailed to the address of each shareholder whose address is known to the directors, at least sixty days before the day for which the same is called ; and no resolution so to reduce such capital stock shall have effect, unless it be carried by a number of votes in its favor, exceeding one half of the number of subscribed shares in the said Bank.

Notice of meeting for that purpose.

What majority of votes required.

3. Notwithstanding any such reduction in value of the shares of the said Bank, each shareholder shall continue to be liable and responsible to the creditors of the said Bank to the same extent as he would have been liable and responsible if such reduction had not been made, that is to say, to the extent of sixty dollars for each of his shares therein, including the nominal par value of such share, if wholly paid up, or the amount paid thereon if not wholly paid up.

Liability of shareholders not diminished.

4. For and notwithstanding anything in any Act of the Parliament of this Province contained, no shareholder shall be eligible to be elected a director of the said Bank of Upper Canada who shall not be, at the time of his election, the proprietor, in his own right, of at least eighty shares of the said reduced capital stock, wholly paid up.

Qualification of a Director altered.

C A P . L X X X V I I I .

An Act to amend the Charter of the Bank of Canada, and to change the name thereof to that of the Canadian Bank of Commerce.

[Assented to 15th August, 1866.]

WHEREAS several of the Provisional Directors named in the Act passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and thirty-one, and intituled :

Preamble.

An

22 V. c. 131.

An Act to incorporate the Bank of Canada, have by petition prayed that the said Act may be amended, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Name changed. 1. The Corporation constituted by the said Act by and under the name and style of "The Bank of Canada," shall, from and after the passing of this Act, be known as "The Canadian Bank of Commerce."

Capital reduced. 2. The capital stock of the said Bank shall be reduced to, and be held to be, one million of dollars, divided into twenty thousand shares of fifty dollars.

When to begin business. 3. It shall be lawful for the subscribers to the capital stock to begin the business of banking so soon as the sum of four hundred thousand dollars of the said capital stock shall have been subscribed, and a sum of not less than one hundred thousand dollars shall have been duly paid into one of the present Chartered Banks of this Province by such subscribers; **Provided** however, that the further sum of two hundred thousand dollars shall be paid in within two years, and the further sum of two hundred thousand dollars within three years after the Bank shall have commenced the business of Banking, and the remainder of the said capital stock not later than the first day of June, one thousand eight hundred and seventy, under penalty of forfeiture of their charter.

When first election shall be held. 4. As soon as the sum of four hundred thousand dollars of the said capital stock shall have been subscribed, and a sum of not less than one hundred thousand dollars shall have been duly paid in to one of the present chartered Banks of this Province by such subscribers, it shall be lawful for such subscribers, or a majority of them, to call a meeting at some place, to be named, in Toronto, for the purpose of proceeding to the election of seven Directors for the said Bank; and such election shall then and there be made by a majority of shares voted upon, in the manner in the said Act prescribed in respect of the annual election of Directors; and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday in July, one thousand eight hundred and sixty-seven; and the second election of Directors of the said Bank shall take place on the first Monday in July, one thousand eight hundred and sixty-seven, and the first Monday in July in each year shall be the day on which all subsequent elections of Directors shall take place.

Term of office of first Directors.

Second Election.

Duration of the said Act and this Act.

5. The said Act, as amended by this Act, shall be and remain in force until the first day of June, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer.

6. So much of the Act cited in the Preamble of this Act as may be inconsistent with or repugnant to the provisions of this Act is hereby repealed. Inconsistent enactments repealed.

7. The powers and privileges conferred by this Act and the Act which it amends shall be subject to any future Legislation which may take place, and no General Act, whereby any privilege, hereby conferred may be affected or impaired shall be deemed a violation of the Charter of the said Bank. Bank subject to future legislation.

8. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXIX.

An Act to amend the Act incorporating the Bank of Northumberland.

[Assented to 15th August, 1866.]

WHEREAS it is desirable to amend the Act of the last session of the Parliament of Canada, intituled : *An Act to incorporate the Bank of Northumberland* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.
29 V. c. 74.

1. Section three of the said Act is amended by allowing the public meeting of subscribers therein mentioned to be called so soon within one year after the passing of this Act, as four hundred thousand dollars of the said capital stock shall have been subscribed and one hundred thousand dollars thereof actually paid as therein required, and the number of directors to be elected as therein mentioned, is reduced to seven. Sect. 3 amended.

First Election of Directors.

2. Section four of the said Act is amended by striking out all the words after the word "subscribing" in the tenth line thereof and substituting therefor the following : "Provided further, that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised to commence the business of banking until a sum of not less than one hundred thousand dollars shall have been duly paid in by such subscribers, and that the balance of the four hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in before the first day of August, one thousand eight hundred and sixty-eight ; provided further, that the remainder of the said capital stock shall be subscribed and paid up as follows : the sum of two hundred thousand dollars before the first day of August, one thousand eight hundred and sixty-nine, and the remainder of the stock when the directors shall appoint, but not later than the first day of June, one thousand eight hundred and seventy." Sect. 4 amended.

 proviso : when the Bank may commence business.

Payment of Capital.

3. Section eight of the said Act is amended by allowing each shareholder one vote for every share subscribed for, paid and held, as therein mentioned. Sect. 8, amended.
Votes.

Inconsistent
enactments re-
pealed.

4. Such part or parts only of the said Act, hereby amended, as are inconsistent with or repugnant to the intention of this Act, are repealed, and the amendments hereby made to the same, are to be read in lieu of the several parts so repealed.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X C .

An Act to incorporate the Bank of London.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Venerable Archdeacon Hellmuth, D. D., the Honorable Elijah Leonard, M. L. C., Crowell Wilson, M. P. P., Thomas Scatcherd, M. P. P., George Macbeth, Major Richard J. Evans, E. W. Hyman, J. B. Strathy, V. Cronyn, C. Stead, J. G. McIntosh, Richard Bayly, J. C. Meredith, H. S. Strathy and others, have by their petition prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the city of London in this Province; and whereas it is desirable that the said persons, and others who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns shall be, and they are hereby created, constituted, and declared to be a corporation, body corporate and politic, by the name of "The Bank of London," and shall continue such corporation, and shall have perpetual succession, and a corporate seal with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded, in all Courts of Law as other corporations may do, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yearly value of Ten thousand dollars, and may sell, alienate or exchange the same and acquire other instead.

Corporate
name and
powers.

Real property
limited

Capital and
shares.

2. The capital stock of the said Bank hereby incorporated shall be one million of dollars, divided into twenty thousand shares, of fifty dollars each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Provisional
Directors.

3. For the purpose of organizing the said Bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof; and they or the majority of them may cause stock books to be opened, after giving due public notice; upon which stock books

books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank ; and such books shall be opened at London aforesaid, and elsewhere, at the discretion of the said Provisional Directors, and shall be kept open so long as they shall deem necessary ; and so soon as four hundred thousand dollars of the capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid in to some one of the present Chartered Banks of this Province thereupon, a public meeting shall be called of the subscribers thereof by notice published, at least two weeks in two of the newspapers of the said city of London, such meeting to be held in London aforesaid, at such times as such notice shall indicate ; and at such meeting the subscribers shall proceed to elect seven directors having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Monday in June, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected ; and the said election shall be had in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for ; and immediately upon such election being had, the functions of the said Provisional Directors shall cease.

Subscription
Books.

First meeting
when \$400,000
subscribed and
\$100,000 paid
up.

Election of Di-
rectors.

4. The shares of the capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint ; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be, and are hereby respectively indemnified for paying the same ; provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal, at least, to ten per cent on the amount subscribed for be actually paid at the time of subscribing, or within thirty days of that time ; Provided further, that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised, to commence the business of banking until a sum of not less than one hundred thousand dollars shall have been duly paid in by such subscribers ; and that the balance of the four hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in before the first day of August, one thousand eight hundred and sixty-eight ; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows : the sum of two hundred thousand dollars before the first day of August, one thousand eight hundred and sixty-nine, and the remainder of the stock when the directors shall appoint, but not later than the first day of June, one thousand eight hundred and seventy.

Payment of
stock.

Ten per cent
on subscribing

When to com-
mence busi-
ness.

Proviso ;
payment of
remainder of
Capital.

Calls on stock.

How recoverable.

What only need be proved.

Calls limited.

**Chief place of business.
Branches.**

Annual election of Directors.

President and Vice-President.

5. The Directors for the time being, or a majority of them, shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said Bank by them respectively, as the said Board find necessary, and in the corporate name of the said Bank to sue for, recover and get in all such calls or to cause and declare such shares forfeited to the said Bank in case of non payment of any such call ; and an action may be brought to recover any money due on any such call ; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon said share or shares, to the said Bank, in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to the said corporation to recover the same from such defendant by virtue of this Act ; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant, at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the Board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution ; and it shall not be necessary to prove the appointment of the said Board of Directors or any other matter whatsoever ; provided that each such call shall be made at intervals of not less than thirty days upon notice to be given at least thirty days prior to the day on which such call shall be payable ; and no such call shall exceed ten per cent of each share subscribed.

6. The chief place or seat of business of the said corporation shall be in the city of London aforesaid ; but it shall and may be lawful for the directors of the corporation to open and establish, in other cities, towns, and places in this Province, branches or offices of discount and deposit of the said corporation, under such rules and regulations for the good and faithful management of the same, as to the directors shall from time to time seem meet, and as shall not be repugnant to any law of this Province, to this Act, or to the by-laws of the said corporation.

7. For the management of the affairs of the said corporation, there shall be seven directors, who shall be annually elected by the shareholders of the capital stock of the corporation, at a general meeting of them to be held annually in the said city of London, on the first Monday in June, beginning on the first Monday in June, which shall be in the year next after the first election of Directors hereinbefore provided for ; and the Directors elected by a majority of votes shall be capable of serving as Directors for the ensuing twelve months ; and at their first meeting after such election shall choose out of their number a President and Vice-President who shall hold their offices respectively

respectively during the same period ; and in case of vacancy occurring in the said number of seven Directors the remaining Directors shall fill the same by election from among the shareholders ; and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders ; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the Office of President or Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves ; and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected until the next annual general meeting of the shareholders ; and if it should happen at any election, that two or more persons have an equal number of votes, then the Directors who shall have had a greater number of votes or the majority shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven ; Provided always that each of the Directors shall be holder, and proprietor in his own name, of not less than twenty shares of the capital stock of the said corporation, upon which not less than one thousand dollars shall have been paid up, and shall be a natural born or naturalized subject of Her Majesty, and shall have resided seven years in Canada.

Vacancies.

Candidates having an equal number of votes.

Proviso : Qualification of Directors.

8. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved ; but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called for that purpose.

In case of failure of any election.

9. The books, correspondence and funds of the corporation shall at all times be subject to the inspection of the Directors ; but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the corporation.

Books, &c., to be open to Directors.

10. At all meetings of the Directors of the said corporation not less than four of them shall constitute a Board or a quorum for the transaction of business ; and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside ; and the president, Vice-President or President *pro tempore* so presiding shall vote as a Director ; and, if there be an equal division on any question, shall have a casting vote.

Quorum of Directors, who to preside.

Casting vote.

11. It shall and may be lawful for the Directors of the corporation hereby constituted from time to time to make and enact by-laws, rules and regulations (the same not being repugnant to this Act or to the laws of this Province) for the proper management of the affairs of the said corporation, and

Directors to make By-laws

Proviso: con-
firmation of
By-laws.

from time to time to alter or repeal the same, and others to make and enact in their stead; Provided always, that no by-law, rule or regulation so made by the Directors shall have force or effect until the same shall, after six weeks public notice, have been confirmed by the shareholders at an annual general meeting or a special general meeting called for that purpose.

Payment of
Directors.

12. The directors including the said president and vice-president shall be entitled to such emolument for their services as may be fixed by any by-law as herein before provided.

Directors to
appoint offi-
cers, &c.

13. The directors of the said corporation shall have power to appoint such cashiers, officers, clerks, and servants under them as shall be necessary for conducting the business of the corporation, and to allow reasonable compensation for their services respectively; and, also shall be capable of exercising such power and authority, for the well governing and ordering of the affairs of the corporation, as shall be prescribed by the by-laws thereof; provided always, that before permitting any cashier, officer, clerk, or servant of the corporation to enter upon the duties of his office, the directors shall require every such cashier, officer, clerk or servant to give bond to the satisfaction of the directors in such sum of money as the directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Proviso: secu-
rity to be
given.

Half yearly
dividends.

14. It shall be the duty of the directors to make half yearly dividends of so much of the profits of the corporation as to them shall appear advisable; and such dividends shall be payable at such place or places as the directors shall appoint, and of which they shall give public notice thirty days previously: provided always that such dividend shall not in any manner lessen or impair the capital stock of the corporation.

Proviso.

Annual gene-
ral meetings.

15. The annual general meeting of the shareholders of the corporation to be held in the city of London aforesaid, on the first Monday, in the month of June, in each year, for the purpose of electing directors, in the manner hereinbefore provided, shall also take into consideration all other matters generally touching the affairs and the management of the affairs of the corporation; and at each of the said annual general meetings the directors shall submit a full and clear statement of the affairs of the corporation, containing on the one part the amount of capital stock paid in, the amount of notes of the bank in circulation, the net profits in hand, the balance due to other banks and institutions, and the cash deposited in the bank, distinguishing those bearing interest from those not bearing interest, and on the other part, the amount of current coins and gold and silver bullion in the vault of the bank, the value of buildings and other real estate belonging to the bank, the balance due to the bank from other banks or institutions, and the amount of debts owing to the bank

Annual state-
ment of Di-
rectors and
what it shall
show.

bank including and particularizing the amount so owing on bills of exchange, discounted notes, mortgages and *hypothèques*, and other securities, thus exhibiting on the one hand the liabilities of or debts due by the bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the bank over due and not paid, with an estimate of the loss which may probably be incurred from the non payment of such debts.

Dividends profits and liabilities.

16. At all meetings of the corporation, the shareholders shall be entitled to vote according to the following scale, that is to say: For one share and not more than two one vote, and for every two shares above two and not exceeding ten one vote, making five votes for ten shares, for every four shares above ten and not exceeding thirty one vote, making ten votes for thirty shares, for every six shares above thirty and not exceeding sixty one vote, making fifteen votes for sixty shares, and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty, nor to represent more than five hundred votes by proxies; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall after the first meeting be established by a by-law, and which authority shall be lodged in the bank; provided always, that a share or shares of the capital stock of the said corporation that shall have been held for a less period than three calendar months, immediately prior to any meeting of the shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy; provided also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly.

Scale of voting by shareholders.

Proxies.

Proviso.

Proviso: as to joint holders.

17. No cashier, bank clerk, or other officer of the bank, shall vote either in person or by proxy, at any meeting for the election of directors, or hold a proxy for that purpose.

Bank officers not to be proxies.

18. Any number not less than twenty of the shareholders of the said corporation, who together shall be the proprietors of at least five hundred shares of the paid up capital stock of the corporation, by themselves or proxies, or the directors of the corporation or any four of them, shall, respectively, have power any time to call a special general meeting of the shareholders of the corporation, to be held at their usual place of meeting in the city of London, upon giving six weeks previous public notice thereof and specifying in such notice the object or objects

Special general meetings how called; &c.

If for removal
of President,
&c., or a
Director.

Filling vacan-
cy.

Shares to be
personal and
how transfe-
rable.

Fractions of
shares not
transferable.

Sales of shares
under execu-
tion; debts to
Bank to be
paid.

Condition pre-
cedent to issue
of Notes.

of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the president or vice-presidents, or a director or directors of the corporation, for maladministration or other specified or apparently just cause, then, and in such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices; and if it be the president or vice-president whose removal shall be proposed as aforesaid his office shall be filled up by the remaining directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of president) who shall choose or elect a director to serve as such president or vice-president during the time such suspension shall continue or be undecided upon.

19. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or contracted and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons; and no fractional part or parts of a share or less than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier of the Bank an attested copy of the writ with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or liabilities contracted and not then due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid), the President or Vice President or cashier of the corporation shall execute the transfer of the share or shares so sold to the purchaser; and such transfer, being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

20. No bill or note for any sum whatever shall be issued or put into circulation by the said Bank until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in the actual possession of the said Bank in gold or silver coin current in this Province.

21. The said corporation hereby constituted shall not either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold) or any ships or other vessels, or any share or shares of the capital stock of the corporation, nor in any Bank in this Province, nor shall the said corporation, either directly or indirectly lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the corporation, or of any goods, wares, or merchandise, nor shall the said corporation either directly or indirectly, raise loans of money or deal in the buying, selling or bartering of goods, wares, or merchandise, or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; provided always that the fifty-fourth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, as amended by the Act passed in the twenty-fourth year of Her Majesty's reign, chapter twenty-three, and by the Act passed in the twenty-ninth year of Her Majesty's reign, chapter nineteen, and the said Acts amending the same, and each and every of the provisions thereof, shall apply to the corporation hereby created as fully and completely as if incorporated in the present Act.

Of what only the business of the Bank shall consist.

Cap. 54 of Cons. Stat. Can., and 24 V. c. 23, and 29 V. c., 19, to apply.

22. The aggregate amount of discounts and advances made by the said Bank upon commercial paper, or securities bearing the name of any director of the said Bank, or the name of any co-partnership or firm in which any director of the said Bank shall be partner, shall not at any one time exceed one thirtieth of the total amount of discounts made by the Bank at the same time.

Discounts for Directors limited.

23. The Bank may allow and pay interest upon money deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and the rate of discount, then charged shall continue until the said note or negotiable paper so discounted, or any judgment thereon be paid or satisfied, and when notes, bills or other negotiable securities or paper are *bond fide* payable at a place within this Province different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the Bank may charge any note or bill held by, or made payable at the Bank against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Bank may pay and charge interest.

Premium in certain cases for agency, &c.

Charging notes against deposit account.

Form of bond,
notes, bills, &c.;
no seal re-
quired.

Proviso: offi-
cers may be
empowered to
sign.

Where Bank
notes shall be
made payable.

Suspension for
sixty days to
operate a for-
feiture of char-
ter.

Amount of
notes, less
than \$5 limited.

And total
amount of all.

24. The bonds, obligations and bills obligatory and of credit of the said corporation signed by the president or vice-president and countersigned by the cashier thereof, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the corporation signed by the president or vice-president promising the payment of money to any persons or persons, his, her, or their order, or to the bearer, though not under the seal of the corporation, shall be binding and obligatory upon the same in the like manner and with the like force and effect as they would be upon any private person or persons if issued by him, her, or them, in his, her, or their private or natural capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons; provided always, that nothing in this Act contained shall be held to debar the directors of the corporation from authorizing or deputing, from time to time, any cashier or officer of the corporation, or any director other than the president or vice-president, or any cashier, manager or local director of a branch or office of discount or deposit of the said corporation to sign the bills or notes of the said corporation intended for general circulation, and payable to order or to bearer on demand.

25. The notes or bills of the said corporation made payable to order or bearer and intended for general circulation, whether the same shall issue from the chief place or seat of business of the corporation in the said city of London, or from any of the branches, shall bear date at the place of issue and not elsewhere, and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established shall be subject to the restriction as to the issuing and redemption of notes provided in this section.

26. A suspension by the said corporation (either at the chief seat or place of business, or at any of their branches or offices of discount and deposit at other places in this Province of payment on demand, in specie of the notes or bills of the said corporation payable there on demand, shall, if the time of suspension extends to sixty days consecutively or at intervals within any twelve consecutive months, operate as and be a forfeiture of this Act of incorporation, and all and every the privileges hereby granted.

27. The total amount of the notes or bills of the said corporation being for a less sum than five dollars, current money of Canada each, that shall be or may have been issued and put in circulation shall not exceed at any one time one-fifth of the amount of the capital stock of the corporation then paid up; provided always, that no notes under the nominal value of a dollar shall, at any time, be issued or put in circulation by the corporation, nor shall any further limitation by the legislature.

of the total amount of notes to be issued or re-issued by the said corporation be held to be any infringement upon the privileges hereby granted.

28. The total amount of the debts which the said corporation shall, at any time, owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills of the said Bank in circulation payable on demand or to bearer exceed the amount of the actually paid up Capital Stock of the corporation and the gold and silver coin and bullion and debentures, or other securities reckoned at par issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and in case of excess in either respect the said corporation shall forfeit this Act of incorporation and all the privileges hereby granted, and the Directors under whose administration such contracting of debts or issue of such notes or bills in such excess shall have taken place, shall be liable jointly and severally for such excess in their private capacities as well to the shareholders as to the holders of the bonds, bills, and notes of the corporation; and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the corporation, or their lands, tenements, goods and chattels from being also liable for such excess; provided always, that if any director present at the time of contracting any such excess of debt do, forthwith, or if any director absent at the time of contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published in London aforesaid, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; provided always that such justification shall not exonerate any director from his liability as a shareholder.

Total amount of liabilities limited.

And of Bank notes.

Forfeiture for excess.

Liability of the Directors.

Proviso: how a Director may free himself.

Proviso.

29. In the event of the property and assets of the corporation hereby constituted becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the corporation in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of capital stock held by them, that is to say, that the liability and responsibility of each shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; provided always

Liability of shareholders.

Proviso

always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors of the corporation hereinbefore mentioned and declared.

Further statement to be made by Directors, monthly.

To be submitted to the Governor and verified if required.

Further information to Governor.

Proviso: the said information to be confidential.

Bank not to send money to foreign states.

Public notices, how given.

30. Besides the detailed statements of the affairs of the said corporation, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the directors shall make up and publish, on the first Monday of each month in every year, statements of the assets and liabilities of the corporation, in the form of the schedule A hereunto annexed, shewing, under the head specified in the said form, the average of the amount of the notes of the corporation in circulation and other liabilities at the termination of each month, and the average amount of specie and other assets which, at the same time, were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, a copy of each such monthly statement, and if by him required to verify all or any part of the said statement, the said directors shall verify the same by the production of the monthly balance sheet from which the said statement shall have been compiled; and furthermore the said directors shall from time to time, when required, furnish to the said Governor, such further information respecting the state and proceedings of the corporation, and of the several branches and offices of discount and deposit thereof, as such Governor may reasonably see fit to call for; provided always, that the monthly balance sheet, and the further information that shall be so produced and given, shall be held by the said Governor, as being produced and giving in strict confidence that he shall not divulge any part of the contents of the said monthly balance sheet or of the information that shall be so given; and provided, also, that the directors shall not, nor shall anything herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever, having dealings with the corporation.

31. It shall not be lawful for the corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of, or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine, anything in this Act to the contrary notwithstanding.

32. The several public notices by this Act required to be given shall be given by advertizement in one or more of the newspapers published in the said city of London, and in the Canada Gazette, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of official documents and notices emanating from the Civil Government of this Province.

33. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the said city of London; and to that end the directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Shares transferable in the United Kingdom.

34. If the interest in any share in the said Bank become transmitted in consequence of the death, or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the directors may require such transmission to be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a public notary where the same shall be made and signed; and every such declaration or other instrument so signed, made, and acknowledged, shall be left at the bank with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of the shareholders; and until such transmission shall have been authenticated, no party or parties claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Provision if any shares are transmitted by death, bankruptcy, &c.

Declaration and how made.

Proviso: when made in foreign countries.

Proviso: further proof may be required.

35. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity

If transmission be by marriage.

if by will.

identity of the wife with the holder of such share ; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the will itself if authentic, or the letters of administration, or of tutorship, or an official extract therefrom, or the requisite certificates of birth and marriage, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall enter the name of the party entitled under such transmission in the register of shareholders.

Bank not bound to see to trusts.

36. The Bank shall not be bound to see to the execution of any trust whether expressed, implied, or constructive, to which any of the shares of the Bank may be subject ; and the receipt of the party in whose name any share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust ; and the Bank shall not be bound to see to the application of the money paid upon such receipt ; and the transfer of any share and the payment of any dividend or deposit shall not cause any liability on the part of the said Bank to the rightful owner or administrator of such share, dividend or deposit if such transfer be made by, or such payment be made to, the person in whose name such share shall stand in the books of the said Bank or to whose credit such deposit may appear therein, whether such person be ordinarily competent to make such transfer or receive such payment or not.

To whom dividend, &c., may be paid.

Directors to invest a certain sum in Debentures.

37. It shall be the duty of the directors of the said Bank to invest as speedily as the debentures hereinafter mentioned can be procured, and to keep invested at all times in the debentures of this Province, or of the Consolidated Municipal Loan Fund, one-tenth part of the whole paid-up capital of the said Bank, and to make a return of the number and amount of such debentures verified by the oaths and signatures of the president and chief cashier or manager of the said Bank, to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return ; Provided always, that the said directors shall not commence the ordinary business of banking unless, nor until, the sum of ten thousand dollars shall have been invested in such debentures within one year from and after the passing of this Act.

Provido :

Power to search for, and seize, for forged notes, &c., or instruments for forging.

38. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the Bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop,

workshop, out-house or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched; and all such counterfeit bank bills and notes and such plates, dies, rolling-presses, tools, instruments and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon, shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

39. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit or other bill or note, or any security for money, or any money or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony. Punishment of officers embezzling money, &c., of the Bank.

40. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the provincial penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years, in the discretion of the court. Punishment for felony under this Act.

41. This Act shall remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of Parliament of this Province. Duration of this Act.

42. This Act, and the powers and privileges hereby conferred shall be subject to any future legislation which may take place; and no general Act, whereby any privilege hereby conferred may be affected or impaired, shall be deemed a violation of the charter of the said Bank. Bank to be subject to any general Act.

43. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

Return of the average amount of liabilities of the "Bank of London" during the period from the first of _____, one thousand eight hundred and _____ to the last day of the said month.

LIABILITIES.

LIABILITIES.

Promissory Notes in circulation, not bearing interest...	\$
Bills of Exchange in circulation, not bearing interest...	\$
Bills and notes in circulation, bearing interest.....	\$
Balances due to other banks.....	\$
Cash deposits, not bearing interest.....	\$
Cash deposits, bearing interest.....	\$
Total average liabilities.....	\$

ASSETS.

Coin and bullion.....	\$
Landed or other property of the Bank	\$
Government Securities.....	\$
Promissory notes or bills of other banks.....	\$
Balances due from other banks.....	\$
Notes and bills discounted.....	\$
Other debts due to the Bank, not included under the fore- going heads.....	\$
Total average Assets.....	\$

CAP. XCI.

An Act to incorporate the Bank of Simcoe.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Thomas Roberts Fergusson, Thomas D. McConkey, the Honorable William McMaster, the Honorable David L. McPherson, William D. Ardagh, have, by their petition, prayed that they might be incorporated for the purpose of establishing a Bank in the County of Simcoe; and whereas it is desirable and just that the said persons or others who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be and are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Bank of Simcoe," and shall continue such corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded, in all courts of law as other corporations may, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yealy value of ten thousand dollars, and may sell, alienate

Corporate
name and
powers.Real estate
limited.

or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall appear proper and necessary for the right administration of their affairs, and the proper management of the said Bank (such By-laws and Regulations not being inconsistent with this Act, or contrary to the laws of this Province); Provided however, that such Rules, Regulations and By-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meeting.

By-laws.

Provided for approval.

2. The capital stock of the said Bank shall be one million of dollars divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns.

Capital and shares.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned and hereby incorporated shall be provisional directors thereof; and they, or the majority of them, may cause stock books to be opened, after giving due public notice, upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said bank; and such books shall be opened at Barrie and elsewhere, at the discretion of the said provisional directors, and shall be kept open so long as they shall deem necessary; and so soon as four hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock books and one hundred thousand dollars thereof actually paid in to some one of the Chartered Banks of this Province thereupon, a public meeting shall be called of the subscribers thereof, by notices published at least two weeks in two of the newspapers of the County of Simcoe, such meeting to be held at such time and place in the said county as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven directors having the requisite stock qualifications, who shall thenceforward manage the affairs of the said corporation, and who shall take charge of the stock-books hereinbefore referred to, and shall continue in office until the first Monday in July next thereafter, and until their successors in office shall be duly elected; and the said election shall be conducted in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for; and immediately upon such election being had the functions of the said provisional directors shall cease.

Provisional directors.

Subscriptions of stock.

First meeting for election of directors.

Election of directors.

Retirement of provisional directors.

4. The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased

Payment of stock.

Proviso: ten per cent, on subscribing.

Proviso: when to commence business.

Proviso: payment of remainder of stock.

Further provision.

Forfeiture for non-payment of instalments on stock.

Proviso: forfeiture may be remitted.

Board of directors, their qualification

deceased shareholders shall be and are respectively indemnified for paying the same; provided always that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing; provided further that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised, to commence the business of banking until a sum not less than one hundred thousand dollars shall have been duly paid in by such subscribers to some one of the present Chartered Banks in this Province; and that the balance of the four hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within two years from such commencement; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows: the sum of one hundred thousand dollars within three years, from and after such commencement, under penalty of the forfeiture of this Charter and the remainder of the stock when the directors shall appoint, but not later than the first day of June, which will be in the year of Our Lord one thousand eight hundred and seventy.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said capital stock, and at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said corporation of a sum of money equal to ten per centum on the amount of such shares, and, moreover, it shall and may be lawful for the directors of the said corporation (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole; and the president or vice-president or cashier of the said corporation, shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained shall be held to debar the directors or shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the said bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

6. The stock, property, affairs, and concerns of the said bank shall be managed by seven directors, who shall choose from among themselves a president and vice-president, who, except
as

as is hereinbefore provided, shall hold their offices for one year, and annual election. which directors shall be stockholders residing in the Province and natural born or naturalized subjects of Her Majesty, and be elected on the first Monday in July, in each year, at such time of the day and at such place in the town of Barrie, as a majority of directors for the time being shall appoint, when the chief place or seat of business of the Bank is in the Town of Barrie, or at such time of the day and at such place in the city of Toronto, as the majority of the directors for the time being shall appoint, when the chief seat or place of business of the Bank is in the City of Toronto; and public notice shall be given by the directors as hereinbefore provided in the third section of this Act previous to the time of holding such election; and such election shall be held and made by such of the Shareholders of the said bank as have paid all calls made by the directors, and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said Proxies. proxies shall only be capable of being held and voted upon by shareholders then present; and the seven persons who have the greatest number of votes at any election shall be directors, except as hereinafter directed; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing the person or persons who, at the last general meeting next preceding such vacancy, had the largest number of votes; and if the vacancy so created shall be that of president or vice-president, the directors, at the first meeting after the completion of their number, shall, from among themselves, choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen at any election that two or more persons have an equal number of votes then the directors who shall have had a greater number of votes or the majority, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of seven; and the said directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be the president and vice-president; provided always that no person shall be eligible to be or continue as director, unless he shall hold in his name and for his own use, stock in the said bank to the amount of twenty shares, on which all calls have been paid in. Mode of filling up vacancies.

7. In case it should happen that an election of directors should not be made on any day when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been by the by-laws of the said bank provided. Failure of election not to dissolve corporation.

Scale of votes
by shareholders.

8. Each shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said bank in his or her own name at least three months prior to the time of voting, according to the following scale, that is to say: one share and not more than two, one vote; and for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty, nor to represent more than five hundred votes by proxies; and all questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes; the chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only; and where two or more persons are joint holders of shares it shall be lawful that one only of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; provided always that no cashier, bank clerk, or other officer of the bank shall either vote in person or by proxy at any meeting for the election of directors.

Chairman.

Joint holders
of shares.

Bank officers
not to vote.

Calling of
special general
meetings.

If for removal
of President, or
Director.

Suspension of
officers whose
removal is
proposed.

Inspection of
books, &c.

9. Any number not less than twenty-five of the shareholders of the said bank, who together may be proprietors of at least one hundred shares of the capital stock of the said bank, having all calls paid up, by themselves or by proxies, or the directors of the said bank, or any four of them, shall have power at any time to call a special general meeting of the shareholders of the said bank, to be held at their usual place of meeting in Barrie, upon giving six weeks previous public notice, specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the president, vice-president, or of a director or directors of the said bank, for mal-administration or other specified and apparently just cause—then and in any such case, the person or persons whom it shall be so proposed to remove, shall from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if he be the president or the vice-president whose removal shall be proposed, his office shall be filled up by the remaining directors (in the manner provided in case of a vacancy occurring in the office of president or vice-president), who shall choose or elect a director to serve as such president during the time such suspension shall continue to be undecided upon.

10. The books, correspondence, and funds of the corporation shall at all times be subject to the inspection of the directors; but no shareholder not being a director, shall be allowed to inspect the account of any person dealing with the Bank.

11. At all meetings of the directors of the said corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the president, or in his absence the vice-president, or in their absence one of the directors present, to be chosen *pro tempore*, shall preside; and the president, vice-president, or president *pro tempore* so presiding, shall vote as a director, and if there be an equal division on any question shall have a casting vote.

Quorum of directors.

Who shall preside.

Casting vote.

12. It shall be the duty of the directors of the said bank to make half-yearly dividends of so much of the profits of the said bank as to the majority of them may seem advisable.

Dividends.

13. The directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of this Province) as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said Bank, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet, and shall also appoint a director or directors, who shall each be the absolute owner of at least twenty shares in his own right, for any branch which they may establish, and shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said Bank by them respectively as the said board find necessary, and in the corporate name of the said Bank to sue for, recover, and get in all such calls, or to cause and declare such shares to be forfeited to the said Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon the said share or shares to the said Bank in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to the said corporation to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the said board of directors or any other matter whatsoever; provided that each such call shall be made at intervals of thirty days, and upon notice to be given

Directors may make by-laws for certain purposes.

May appoint officers and local directors.

Make calls and sue for them;

Actions for calls.

Declaration.

What to be proved in such action.

And what need not be proved.

proviso: as to calls.

Proviso, security from officers.

given at least thirty days prior to the day on which such call shall be payable ; and any such call shall not exceed ten per cent. of each share subscribed ; and provided always, that before permitting any cashier, officer, clerk, or servant of the corporation to enter upon the duties of his office, the directors shall require him to give bond or other security to the satisfaction of the directors for the due and faithful performance of his duties.

Remuneration of directors.

14. The directors, including the said president and vice-president, shall be entitled to such emolument for their services as may be fixed by any by-law or resolution passed at the usual annual meeting of shareholders, of which proposed by-law or resolution special notice shall be given.

Condition precedent to issue of notes.

15. No bill or note for any sum whatever shall be issued or put into circulation by the said Bank until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in the actual possession of the said Bank in gold or silver coin current in this Province.

Places of business.

16. The chief place or seat of business of the Bank shall be in the Town of Barrie or in the City of Toronto, as may be determined by a majority of the votes of the shareholders present at the first general meeting ; and if the Town of Barrie be selected at such meeting it shall be competent to the shareholders, at any general meeting specially called for the purpose, to determine that the chief place or seat of business of the Bank shall be removed to the City of Toronto ; and the directors may open and establish in other cities, towns and places in this Province, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said directors shall from time to time seem meet ; provided always that whenever the chief place or seat of business of the Bank is in the City of Toronto, there shall be a branch or office of discount and deposit of the said Bank in the Town of Barrie.

Proviso.

Directors to submit yearly statement of affairs.

17. At every annual meeting of the shareholders of the said Bank to be held in the Town of Barrie in the manner hereinbefore provided, the directors shall submit a clear and full statement of the affairs of the said Bank, containing on the one part the amount of capital stock paid in, the amount of the notes of the Bank in circulation and net profits made, and the balances due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest ; and on the other part the amount of the current coin, the gold and silver bullion in the vaults of the Bank, the balances due to the Bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including

What such statement must shew.

including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably accrue thereon.

Rates of last dividend, &c.

18. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due, or contracted and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons, and no fractional part or parts of a share, or less than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier of the Bank an attested copy of the writ with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon, (but not until after all debts due or liabilities contracted and not then due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid) the president or vice-president or cashier of the corporation shall execute the transfer of the share or shares so sold, to the purchaser; and such transfer being duly accepted shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

Shares to be personal estate assignment of shares.

Fractions not assignable.

Sale of shares under execution.

Transfer in such cases.

19. The said Bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first and thirty-eighth sections of this Act it is specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the capital stock of the said bank or of any other bank, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of said Bank, or of any goods, wares or merchandise, except as authorized in chapter fifty-four of the Consolidated Statutes of

What the Bank may not do.

Canada, and in the Acts amending the same, nor shall the said Bank either directly or indirectly, raise loans of money or deal in the buying and selling or bartering of goods, wares or merchandise, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking; provided always, that the said Bank may take and hold mortgages and liens, and assignments of mortgages and liens, and hypothèques on real estate and on ships, vessels and other personal property, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Proviso as to
mortgages and
liens.

Proportion of
discount for
directors limi-
ted.

20. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities, bearing the name of any director of the said Bank, or the name of any co-partnership or firm in which any director of the said Bank shall be a partner, shall not at any one time exceed one-thirtieth of the total amount of discounts made by the Bank at the same time.

Discount and
charges for
agency and
exchange.

21. The Bank may allow and pay interest upon money deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and the rate of discount then charged shall continue until the said note or negotiable paper so discounted, or any judgment thereon, be paid or satisfied, and when notes, bills or other negotiable securities or paper are *bona fide* payable at a place within the Province different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the Bank may charge any note or bill held by or made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Overdue notes
may be charged
to deposit ac-
count.

Bonds, &c.,
assignable by
endorsement.

22. The bonds, obligations, and bills obligatory or of credit, of the said Bank under its corporate seal, and signed by the president or vice-president and countersigned by a cashier or assistant-cashier, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the said Bank, signed by the president, vice-president, cashier, or other officer appointed by the directors of the said Bank to sign the same, promising the payment

Bills and notes
need not be
sealed.

payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory on it in like manner, and with the like force and effect as they would be upon any private person if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; provided always that nothing in this Act shall be held to debar the directors of the said Bank from authorizing or deputing from time to time, any cashier, assistant cashier, or officer of the Bank, or any director other than the president or vice-president, or any cashier, manager or local director of any branch or office of discount and deposit of the said Bank, to sign the bills of the corporation intended for general circulation, and payable to order or to bearer on demand.

Proviso as to authority to sign notes.

23. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the bank, instead of being subscribed in the handwriting of such person or persons respectively; and whereas doubts might arise respecting the validity of such notes: it is declared and enacted, that all bank notes and bills of the "Bank of Simcoe," whereon the name or names of any person or persons intrusted and authorized to sign such notes or bills on behalf of the Bank shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and shall be taken to be good and valid, to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute, or usage to the contrary notwithstanding.

Recital.

Name of person authorized to sign notes may be impressed by machinery.

24. The notes or bills of the Bank made payable to order or bearer and intended for general circulation, whether the same shall issue from the chief seat or place of business, or from any of its branches, shall be payable on demand in specie at the place where they bear date; and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of directors, shall be held to be a branch bank.

Notes payable in specie at place of issue.

Branch Banks.

25. A suspension by the said Bank, either at its chief place of business or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank payable there

Charter to be forfeited by long suspension of payment in specie.

there on demand, shall, if the time of suspension extends to sixty days consecutively or at intervals within any twelve consecutive months, operate as and be a forfeiture of its charter and of all and every the privileges granted to it by this Act.

Proportion of notes, &c., in circulation to stock, gold, &c., on hand.

One fifth of notes may be under \$4.

None under \$1.

Debts of Bank not to exceed three times the amount of stock and deposits; forfeiture of charter of directors in case of contravention.

Proviso, how a director may avoid liability.

Proviso.

26. The total amount of the bills or notes of the Bank of all values in circulation at any one time shall never exceed the aggregate amount of the capital stock of the Bank paid in, and the gold and silver coin and bullion and debentures, or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of the Province, on hand; and of the bank notes and bills in circulation at any one time, not more than one-fifth of the said aggregate amount shall be in bank notes or bills under the nominal value of four dollars; but no bank note or bill of the Bank under the nominal value of one dollar shall be issued.

27. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in and the deposits made in the Bank in specie and government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank of all values in circulation shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this Act of incorporation, and the directors, under whose administration the excess shall happen, shall be liable, jointly and severally, for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills or notes of the said Bank; and an action or actions on this behalf may be brought against them, or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or their lands, tenements, goods, or chattels from being also liable for such excess; provided always, that if any director present at the time of contracting any such excess of debt do, forthwith, or if any director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published in Barrie, when the chief place or seat of business of the Bank is in Barrie, or in at least one newspaper published in Toronto when the chief place or seat of business of the Bank is in Toronto, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary, notwithstanding; provided always that such justification shall not exonerate any director from his liability as a shareholder.

28. In the event of the property or assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the said Bank shall be liable and responsible for the deficiency, to the extent of double the amount of their stock, that is to say: the liability and responsibility of each shareholder shall be limited to the amount of his, her or their shares of the said capital stock, and a sum of money equal in amount thereto; provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors hereinbefore mentioned and declared.

Double liability
of shareholders.

Proviso as to
Directors.

29. Besides the detailed statements of the affairs of the said Bank hereinbefore required to be laid before the shareholders thereof, at their annual general meetings, the directors shall make up and publish on the first Monday of each month, a statement of the assets and liabilities of the said Bank in the form of the schedule A hereunto annexed, shewing, under the heads specified in the same form, the average amount of the notes of the Bank and the other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, if required, a copy of each of such monthly statements; and if by him required, to verify all or any part of the said statement, the said directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statements shall have been compiled; and furthermore the said directors shall from time to time, if required, furnish to the Governor such further reasonable information as he may see fit to call for; provided always that the directors shall not nor shall anything herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

Monthly state-
ment of assets
and liabilities to
be published
and submitted
to the Gover-
nor.

Governor may
require further
information.

Proviso, as to
private ac-
counts.

30. It shall not be lawful for the corporation hereby constituted, directly or indirectly, to advance or lend to or for the use of or on account of any foreign prince, power or state, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth, the said corporation shall be dissolved, and all the powers and privileges hereby granted, cease.

Advance or
loan to foreign
states prohibi-
ted.

31. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the County of Simcoe, and in the *Canada Gazette* or such other gazette as shall be generally known and described as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Public notice
by advertise-
ments in certain
papers.

Subscription and transfer of shares and payment of dividends in United Kingdom.

32. Books of subscription may be opened, and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the chief place or seat of business of the Bank for the time being, and to that end the directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Authentication of transmission of shares in certain cases.

33. If the interest in any share or shares in the said Bank become transmitted in consequence of the death, or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record or before the Mayor, provost or chief magistrate of a city, town, borough or other place, or before a public notary, where the same shall be made and signed; and every declaration so signed and acknowledged shall be left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, or to vote in respect of any such share or shares; provided always, that every such declaration and instrument as by this and the following section of this Act is required, to perfect the transmission of a share or shares in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul, or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact alleged in any such declaration.

Proviso, before whom declaration may be made.

How made in any foreign country.

Proviso, as to further proof.

Transmission of shares by marriage of female shareholder or by

34. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity

identity of the wife with the holder of such share ; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or any letters of administration, or act of curatorship, or an official extract therefrom, shall together with such declaration be produced and left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the register of shareholders.

testamentary
instrument or
by intestacy.

35. If the transmission of any share or shares of the capital stock of the said Bank be by the decease of any shareholder, the production to the directors and the deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan or peculiar court or authority in England, Wales, Ireland, or any British Colony, or of any testamentary or testamentary dative expedite in Scotland, or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the directors of any probate of his or her will, or letters of administration of his or her property, or other document of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the directors for paying any dividend, or transferring, or authorizing the transfer of any share or shares, in pursuance of, and in conformity to such probate, letters of administration, or other such document as aforesaid.

Transmission
of shares by
death of share-
holder.

36. The bank shall not be bound to see to the execution of any trust whether expressed, implied, or constructive, to which any of the shares of its stock shall be subject ; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties, shall be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust ; and the Bank shall not be bound to see to the application of the money paid upon such receipt.

Bank not to
be bound to
see to the exe-
cution of any
trust or the
application of
any money.

37. It shall be the duty of the said Bank to invest as speedily as the debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Loan Fund, one-tenth part of the whole paid-up capital of the said Bank, and to make a return of the numbers and amount of such debentures verified by the oaths and signatures of the president and chief cashier, or manager of the said Bank, to the Finance Minister of Canada, in the month of January in each year, under the penalty of the forfeiture

One tenth of
paid up capital
to be invested
in Provincial
Debentures.

Annual return
to be made on
oath.

Proviso.

forfeiture of the charter of the Bank in default of such investment and return; provided always, that the said directors shall not commence the ordinary business of banking, until the sum of ten thousand dollars shall have been invested in such debentures.

Cap. 54 of Con. Stat. Can., and 29 V. c. 19, to apply.

38. Chapter fifty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, as amended by the Act of the Parliament of this Province, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and by the Act passed in the twenty-ninth year of Her Majesty's Reign, chapter nineteen, and the said Acts amending the same, save and except section three of the said chapter, shall extend to the said "Bank of Simcoe" and shall be read and taken to be, and form a part of the charter of the said "Bank of Simcoe."

Search warrant for and seizure and destruction of counterfeit notes, &c.

39. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank-notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling house, room, workshop, outhouse or other building, yard, garden, or other place, where such persons shall be suspected of carrying on such making or counterfeiting, to be searched; and all such counterfeit bank bills, and notes and such plates, dies, rolling presses, tools, instruments and material used in, or apparently adapted to the making or counterfeiting of such bills or notes as shall be found therein or thereon, shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any court of justice; and the same after being so produced in evidence shall be defaced or destroyed, or otherwise disposed of at the discretion of the court.

Embezzlement by officer of bank to be felony.

40. If the cashier, assistant cashier, manager, clerk or servant of the bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit, or other bill or note, or any security for money, or any money or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said bank, or belong to any person or persons, body or bodies, politic or corporate, or institution or institutions, and be lodged with the said bank, the said cashier, assistant cashier, manager, clerk or servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment of such felony.

41. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the provincial penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years, in the discretion of the court.

42. This Act shall remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of Parliament of this Province. Duration of Act.

43. This Act, and the powers and privileges hereby conferred, shall be subject to any future legislation which may take place; and no general Act, whereby any privilege hereby conferred may be affected or impaired, shall be deemed a violation of the charter of the said Bank. This Act to be subject to any general law.

44. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

Referred to in the foregoing Act.

Return of the average amount of liabilities of the "Bank of Simcoe" during the period from the first of one thousand eight hundred and to the last day of the said month.

LIABILITIES.

Promissory notes in circulation not bearing interest.....	\$
Bills of exchange in circulation not bearing interest.....	\$
Bills and notes in circulation bearing interest.....	\$
Balances due to other banks.....	\$
Cash deposits not bearing interest.....	\$
Cash deposits bearing interest.....	\$
Total average liabilities.....	\$

ASSETS.

Coin and Bullion.....	\$
Landed or other property of the bank.....	\$
Government securities.....	\$
Promissory notes or bills of other banks.....	\$
Balances due from other banks.....	\$
Notes and bills discounted, or other debts due to the bank, not included under the foregoing heads....	\$
Total average assets.....	\$

CAP. XCII.

An Act to legalize and confirm an Agreement made between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS an agreement, bearing date the seventh day of July, one thousand eight hundred and sixty-four, has been made between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company, which said agreement is set out in the schedule to this Act; and whereas the said Companies have petitioned that the said agreement should be confirmed, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Agreement of 7th July, 1864, between the two companies, confirmed.

1. The Agreement bearing date the seventh day of July, one thousand eight hundred and sixty-four, and made between the Grand Trunk Railway Company of Canada, of the one part, and the Buffalo and Lake Huron Railway Company, of the other part, which said agreement forms the Schedule to this Act, is hereby confirmed, and all the powers, provisions, stipulations, covenants, promises, agreements, and all and singular other the matters in the said agreement contained, shall be valid and binding as fully and as effectually, and shall in all respects have the same force and effect, as though the same were and every of them was expressly embodied in this Act; Provided always, that if the said Buffalo and Lake Huron Railway Company shall at any time fail to pay to the Corporation of the Town of Brantford, or to the Government of the Province of Canada on behalf of the last mentioned Corporation, a sufficient sum at least to satisfy all claims and demands which the Government of this Province may make upon the Corporation of the Town of Brantford, under the eighty-third chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Consolidated Municipal Loan Fund*, in respect of the indebtedness of the Corporation of the Town of Brantford to this Province, under the said Act, then and in such case the Corporation of the Town of Brantford shall be at liberty to exercise all the rights, remedies and powers in respect of the said Bonds so held and owned by the Corporation of the Town of Brantford as aforesaid, for enforcing the payment thereof or the interest thereon, and to take all such proceedings on or in respect of the said Bonds, as the Corporation of the Town of Brantford might or could do if the said agreement forming the Schedule to this Act had not been made and this Act had not been passed; provided always, that the liability of the said Buffalo and Lake Huron Railway Company under this proviso shall in no case exceed the liability of

Proviso: if the Buffalo and Lake Huron Railway Co., fails to pay certain claims under Consolidated Municipal Loan Fund Act to or on behalf of the Town of Brantford.

Proviso: as to extent of liability of the said Company.

of the said Company under the Bonds so held and owned by the Corporation of the Town of Brantford as aforesaid, and provided further, that nothing in this Act contained, shall in any manner prejudicially affect any rights or remedies, if any such exist, of any person or persons who is or are judgment or other creditors of the Buffalo, Brantford and Goderich Railway Company; and provided further, that nothing in this Act contained shall alter or vary the order of priority of the several bond and mortgage securities either of the Buffalo and Lake Huron Railway Company, or of the Grand Trunk Railway Company, as the same severally existed prior to the making of the said agreement.

Proviso: order of priority of securities not altered.

2. For and notwithstanding any thing in the tenth, eleventh and twelfth clauses or elsewhere in the said agreement contained to the contrary, the said agreement set out in the Schedule to this Act, is hereby declared to be, and the same is the "formal agreement" between the said companies therein referred to, and this Act is hereby declared to be, and is the Act of Parliament therein also referred to.

Construction and effect of Schedule to this Act.

3. The Grand Trunk Railway Company of Canada, in working the Buffalo and Lake Huron Railway, shall have the right to use, exercise and enjoy all the rights, powers, privileges, immunities and other the premises created or conferred upon the Buffalo and Lake Huron Railway Company by all Acts of Parliament relating to the Buffalo and Lake Huron Railway Company or otherwise.

Right of Grand Trunk Railway Co., in working the road.

4. Meetings of the Shareholders of the Buffalo and Lake Huron Railway Company, whether general or special, may be held in the City of London or elsewhere, in England, and may do all the acts and exercise all the powers that any such meeting could do or exercise if held in Canada.

Meetings of shareholders of Buffalo and Lake Huron Railway.

5. The meetings of the Directors of the Buffalo and Lake Huron Railway Company may, after the passing of this Act, be held at any place in England or in Canada, or in both, that a majority of the said Directors shall from time to time by resolution or otherwise determine.

Meetings of Directors.

6. It shall be lawful for the Shareholders of the Buffalo and Lake Huron Railway Company, at any general meeting, by resolution, to reduce the number of Directors of the said Company to not less than three.

Reduction of number of Directors.

7. This Act shall not come into operation until accepted by a majority of two thirds in value of the bondholders and shareholders of the Grand Trunk Railway Company of Canada, present in person or by proxy, and voting at a special general meeting to be called in the usual manner for that purpose, and by a majority of the shareholders of the Buffalo and Lake Huron

When this Act shall come into operation, consent of bondholders and shareholders required.

Railway

Railway Company, present in person or by proxy, and voting at a special or general meeting of the said shareholders called for that purpose, the said meetings respectively to be called and held before the first day of January, now next, in the City of London, England.

How the acceptance of this Act shall be proved.

8. The acceptance of this Act in manner aforesaid, shall be respectively certified under the respective corporate seals of the said Railway Companies, which shall be filed in the office of the Provincial Secretary of Canada; and compliance with the formalities in this section prescribed, and the said acceptance of this Act shall be conclusively established by the insertion in the *Canada Gazette* of a notice to that effect by the Provincial Secretary, and such last mentioned notice shall be taken in all proceedings and in all Courts of Law or Equity, as sufficient *prima facie* evidence of the contents thereof, and that this Act has been accepted by the said Railway Companies, and that the same has from the date of such certificate come into full effect and operation.

SCHEDULE TO THE PRECEDING ACT.

This agreement, made this seventh day of July, one thousand eight hundred and sixty-four, between the Grand Trunk Railway Company of Canada, of the one part, and the Buffalo and Lake Huron Railway Company, of the other part,—

Witnesseth, that the said Companies do for themselves respectively and their respective successors, covenant, each with the other of them and its successors in manner following, that is to say :

1. The Buffalo and Lake Huron Railway Company shall forthwith raise seventy-five thousand pounds, to be applied under the direction of the Joint Committee hereinafter mentioned, towards the laying down of a third rail on the Railway between Buffalo and Stratford, and the erection of a bridge over the Niagara river near Buffalo ;

2. As from the first day of July one thousand eight hundred and sixty-four, or the day on which the working of the Buffalo and Lake Huron Railway shall be undertaken by the Grand Trunk Company, the net receipts of the two undertakings shall be divided between the two Companies, after deduction of amounts expended for renewal of rails, &c., in the following proportions, namely :

GRAND TRUNK. BUFFALO AND LAKE HURON.

1st year	87	13
2nd “	86	14

GRAND TRUNK. BUFFALO AND LAKE HURON.

3rd year	85	15 .
4th "	84½	15½
5th "	84	16
6th and thereafter	83½	16½

the amount of loss of the two undertakings on American currency being divided in each year in the same proportions ;

3. As between the Buffalo and Lake Huron Company on the one hand, and the holders of the securities specified in the Schedule hereto on the other hand, the interest payable on the mortgage debentures and the deferred debentures specified therein, according to their respective rights and priorities among themselves, shall be the first charges on the proportion of net receipts from time to time payable to the Buffalo and Lake Huron Company ; and so long as that proportion is duly paid to that Company, none of those holders, nor the mortgagees for any of them, shall exercise any of their powers or rights against the undertaking, Railway property, or effects of that Company, except their proportion of net receipts, but those powers and rights shall be suspended ;

4. Any additional capital required for the purchase of stock, or for new works in connection with the through traffic of the two lines, shall be raised and applied by and under the said joint Committee, and be a first charge on the joint net receipts of the two undertakings at six per cent, per annum, it being understood that the two hundred and fifty thousand pounds now being raised by the Grand Trunk Company is not to be considered as raised for joint purposes ;

5. The Grand Trunk Company to have the option, at any time within six years, on assuming all the obligations and liabilities, whether fixed or guaranteed, of the Buffalo and Lake Huron Company, an approximate statement of which as at present existing is set out in the Schedule hereto, and which said liabilities shall not be increased without the concurrence of the joint committee, to purchase for six hundred and sixty thousand pounds the whole of the Ordinary Share Capital of the latter Company, at present amounting to one million two hundred and thirty thousand pounds, the purchase money being payable either in cash or in Grand Trunk stock, calculated at its then market value, at the option of the holders individually of the Buffalo and Lake Huron capital, and the Buffalo and Lake Huron Company shall not, until after the expiration of the six years provided by this clause, pay any dividend on its share capital, without first extinguishing its floating debt ;

6. The control and working of the Buffalo and Lake Huron undertaking shall, from the time of its being handed over as aforesaid to the Grand Trunk Company, be placed in the hands
of

of the Grand Trunk Company, under a joint committee, consisting of two nominees from the Board of each Company, all matters on which they differ being referred to arbitration; and the Buffalo and Lake Huron Board shall, from time to time, nominate one of their own body, who shall *ex-officio*, have a seat at the Grand Trunk Board as one of that body;

7. This agreement to subsist for twenty-one years, and to be without prejudice to the provisions from time to time remaining in force or to be fulfilled of the existing agreement between the two Companies dated the fourth day of December, one thousand eight hundred and sixty-three, or so many of such provisions as the Companies may hereafter agree on, or as are not inconsistent with this agreement;

8. During the said term the said Buffalo and Lake Huron Railway and its appurtenances shall be maintained and kept in a good and efficient state as to repairs, renewals, the supply of rolling stock, and generally, and shall be delivered up in such state at the end or other sooner determination of the said term of twenty-one years;

9. All differences between the two companies relating to this agreement, and all questions as to the carrying into effect of any of its provisions, or any thing to be done by either of the parties hereto, to be determined from time to time by arbitration as nearly as may be in the manner prescribed by the "Railway Companies Arbitration Act, 1859," or in any event by a single arbitrator to be (if not agreed on) nominated by the Board of Trade of the United Kingdom, or by the Chancellor for the time being of Upper Canada, or the Chief Justice for the time being of the Court of Queen's Bench in Lower Canada, with ample powers;

10. A more formal agreement for carrying these heads into effect, to be settled on behalf of the two companies by counsel, to be (if not agreed on) nominated by the Board of Trade of the United Kingdom, or by the said Chancellor or Chief Justice, with such details and incidental provisions as such counsel may think fit, and with such modification, if any, as the Companies mutually agree to, and to be executed under seal, and to be binding on them respectively;

11. Application shall be made to Parliament in the year one thousand eight hundred and sixty-four to sanction the foregoing agreement in so far, if at all, as the same may not be within the existing powers of the companies, and such application shall be renewed from time to time, if necessary, and may be so made or renewed by either party at the joint expense of the parties hereto (the other party hereby agreeing not in any way to oppose, but in all ways to assist and assent to the same), in any session or sessions during the said term of twenty-one years, subject to the suspensions provided for by clause three;

12. This agreement, and the formal agreement, and any Act of Parliament so applied for to be in all respects subject and without prejudice to the mortgages, bonds, securities, powers, rights and interest of the bond-creditors of the Buffalo and Lake Huron Company for the aggregate sum of five hundred thousand pounds, or thereabouts, as specified in the Schedule hereto, and the interest and arrears of interest thereon and of the mortgages, in trust for them, and due provision for them respectively to be made accordingly by the formal agreement and the Act of Parliament respectively. But except under clause five, if the option thereby given be exercised, those mortgages, bonds, securities, powers, rights and interests respectively, not to be extended so as to comprise or relate to any undertaking, railway or property, revenues, tolls, rents or profits other than the present undertaking, railway and property of the Buffalo and Lake Huron Company, and the revenues, tolls, rents and profits arising from the same.

In witness whereof, the said Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company, have hereunto affixed their respective common seals the day and year first above written.

[L. S.] (Signed) J. M. GRANT,
Secretary.

(Signed) E. W. WATKIN,
President of the Grand Trunk Railway
Company of Canada.

[L. S.] (Signed) THOS. SHORT,
Secretary.

(Signed) PHILIP RAWSON,
Chairman of the Buffalo and Lake
Huron Railway Company.

7th July, 1864.

SCHEDULE REFERRED TO IN THE FOREGOING AGREEMENT.

Approximate Statement of Liabilities of the Buffalo and Lake Huron Railway Company.

Mortgage Debentures about..	£502,000	0	0
Deferred Debentures.....	166,666	13	4
Arrears of Interest on do. to			
6th June, 1864.....	36,376	0	0

1st Preference Capital.....	£150,000	0	0	
2nd do do	85,000	0	0	
(A) Options issued for Preference Capital.....	59,655	0	0	} 250,000 0 0
Shares and Options in Company's hands.....	1,273	6	8	
(B) Difference in the nominal and actual value of the new Preference Shares.....	103,477	13	4	
Arrears of Preference Interest to May, 1864 (B).....	57,750	0	0	
Floating debt say about, as at foot	30,000	0	0	
	<hr/>			
	£1,192,792	13	4	

(A) And subsequent arrears of interest, if any.

CONTRA.

(B) These will give as an asset....	£60,928	6	8	
Deferred Bonds, nominal value.	41,666	13	4	
	<hr/>			102,595 0 0

FLOATING DEBT.

Bank and Interest, say.....	£24,000	0	0	
Directors.....	1,350	0	0	
London Office expenses.....	650	0	0	
	<hr/>			26,000 0 0
Estimated proportion of preliminary expenses relative to the International Bridge.....				4,000 0 0
	<hr/>			£30,000 0 0

(Also Bill of Exchange for deposit on Bridge capital, five thousand one hundred and eighty-four pounds, six shillings and eight pence not yet due.)

(Signed) PHILIP RAWSON.

CAP. XCIII.

The Buffalo and Lake Huron Railway Company's Capitalization Arrears Act, 1866.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Buffalo and Lake Huron Railway Company has guaranteed preferential dividends on certain of its shares, but for a long time past profits have not been made out of which such dividends might be declared, and terms have been

been provisionally settled between the holders of the said shares and the company, for the capitalization of such arrears of dividend in manner hereinafter appearing, but in order to give effect to such capitalization the aid of the Legislature is necessary: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In satisfaction of all arrears of preferential dividends guaranteed by the company, up to such day as will be hereafter fixed by the shareholders under section four of this Act, the respective shareholders shall accept an equal nominal amount in shares of the company of ten pounds each, carrying from the said day, in lieu of all other participation in the profits of the company and guaranteed preferential dividends, interest at the fixed rate of five pounds per centum per annum, payable out of the net profits of the company, *pari passu* with the dividend accruing from the same day, on the shares in respect of which such arrears arose.

Nominal amount in shares to be substituted for arrears of preferential dividends.

2. When the arrears so to be capitalized to any shareholder shall not amount to an exact number of such ten pound shares, an option shall be given to him by the company, either to receive the next greater number on paying to the company in cash the balance of their nominal amount, or to receive the next smaller number, together with a certificate entitling him, his executors or administrators, to payment of the balance of his arrears out of the net profits of the company when they shall arise, such certificates constituting a first charge thereon.

When the arrears are not an equal number of \$10 shares.

3. The directors of the company are hereby authorized and required to create and issue such shares as shall be necessary for the foregoing purposes in addition to all other actual or authorized capital of the company.

Directors may issue such shares.

4. This Act shall not take effect unless accepted by a majority consisting of two-thirds in number and amount of the shareholders of the company, present in person or by proxy, at a meeting of such shareholders, to be held on or before the first day of January, one thousand eight hundred and sixty-seven, in London, England, after such notice in England and Canada, as by the existing rules of the company would be sufficient for the calling of a meeting of the company, the object of such meeting being specially set forth in such notice; and the certificate in writing of the chairman of such meeting shall be taken as *prima facie* proof of its acceptance in manner aforesaid, such certificate to be filed in the office of the Provincial Secretary of Canada; and certified copies by the said Secretary shall be taken and considered in all Courts of Law and Equity in this Province as sufficient *prima facie* evidence of the contents thereof.

Conditions of acceptance by shareholders on which this Act shall take effect

Proof of such acceptance.

5. This Act shall be deemed a Public Act.

Public Act.

CAP. XCIV.

An Act to amend the Acts incorporating the Canada Central Railway Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Canada Central Railway Company have by their petition represented, that certain defects in the provisions of the Acts incorporating and relating to the Company interfere which the beneficial operation of the said Acts, and it is expedient to provide a remedy therefor : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Line of the railway defined.

1. For the removal of doubts, it is hereby ordained and enacted that provided the Railway which the Company is authorized to construct, touches at the points mentioned in the said Acts, the Company is authorized to locate the line of the said Railway in the manner most advantageous for its interests ; provided always, that the line so located shall not, between Ottawa and Pembroke, diverge more than twenty-five miles from the Ottawa River ; and provided also that the line of the railway from Vaudreuil to Ottawa, shall be as enacted by the Act incorporating the Vaudreuil Railway Company.

Proviso.

Proviso.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XCV.

An Act to extend the period for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS, in view of the great importance of the undertaking, it is expedient to extend the period during which the North Shore Railway and St. Maurice Navigation and Land Company may complete their works, and the said Company have, by their petition, to the Legislature prayed for such extension : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Time for completing the Railway and works of the Company prolonged, and Acts continued.

1. For and notwithstanding anything to the contrary in the Act twenty-fourth Victoria, chapter eighty-five, or in any other Act, or law, the said North Shore Railway and St. Maurice Navigation and Land Company may continue the construction of their Railway and other works after the thirtieth day of October in the present year, one thousand eight hundred and sixty-six, by which day they were bound to complete them under the said Act ; but the Railway and works of the said Company

Company shall be completed on or before the first day of January, in the year of Our Lord one thousand eight hundred and seventy-two; and the said Act, and all the Acts relating to the said Company, or to the North Shore Railway Company, or to the St. Maurice Railway and Navigation Company, shall be and remain in force until the day last mentioned, as if the said day had been fixed by the Act last cited as that on or before which the said works should be completed.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . X C V I .

An Act to amend the Act incorporating the Massawippi Valley Railway Company.

[Assented to 15th August, 1866.]

WHEREAS the Massawippi Valley Railway Company have petitioned the Legislature for certain amendments to their Act of Incorporation, and whereas it is expedient to grant the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Notwithstanding anything in the one hundred and seventeenth section of the sixty-sixth chapter of the Consolidated Statutes of Canada, known as the Railway Act, and notwithstanding any thing contained in the Special Act incorporating the said Company, or of the Act amending the same, the corporate existence and powers of the said Company shall be deemed to have continued and shall continue in full force and effect, provided the said Railway shall be commenced within two years and completed within five years from the passing of this Act.

Time for completion of works prolonged.

Proviso.

2. Notwithstanding anything in the third section of the Act incorporating the said Company, it shall be lawful for the said Company to construct the said Railway of either broad or narrow gauge as the Directors of the Company may deem most advantageous.

Gauge to be optional with the Company.

3. This shall be deemed a Public Act

Public Act.

C A P . X C V I I .

An Act to revive the Act twenty-sixth Victoria, chapter sixteen, and extend the time for the completion of the Hamilton and Port Dover Railway.

[Assented to 15th August, 1866.]

WHEREAS by an Act passed in the twenty-eighth year of Her Majesty's Reign, chapter thirty-six, the time for the completion of the Hamilton and Port Dover Railway was extended

Preamble.

28 v. c. 36.

extended

extended for one year ; and whereas the said year has expired, and the Buffalo and Lake Huron Railway Company has petitioned that the Act twenty-sixth Victoria, chapter sixteen, may be revived and the time for the completion of the Hamilton and Port Dover Railway extended, and it is expedient to grant the prayer of the said Petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Act 26 V. c. 16,
revived.

1. The Act of the Parliament of this Province passed in the twenty-sixth year of Her Majesty's Reign, chapter sixteen, is hereby revived and declared to be in full force and effect.

Time for com-
pleting the
Railway ex-
tended.

2. The time for the completion of the Hamilton and Port Dover Railway, between the waters of Burlington Bay, in the city of Hamilton, and the village of Caledonia, so as to be open for traffic, is hereby extended for the period of two years from the first of November next ; and the rights and liabilities of all parties interested shall remain and continue during the said period the same as they were immediately after the passing of the said Act, twenty-sixth Victoria, chapter sixteen.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X C V I I I .

An Act to authorize the sale of the Peterborough and Chemong Lake Railway, and for other purposes.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Act of Incorporation of the Peterborough and Chemong Lake Railway has expired without the completion of the undertaking, and it is the desire of certain of the Stockholders that the portion of the Railway which has been completed, together with all the franchises and properties of the Company, shall be sold at public auction to the highest bidder : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Time for com-
pleting Rail-
way extended.

1. The said Act of Incorporation shall be and the same is hereby revived, and the time for completing the said Railway extended for a period of five years from the passing of this Act ; Provided always, that nothing herein or in the Act hereby revived contained shall authorize the Company or the Directors to make any further calls upon the stockholders, or to collect any moneys upon any calls already made.

Proviso.

Court of Chan-
cery may
order such sale.

2. On application made by any one or more of the Stockholders to the Court of Chancery for Upper Canada, an order may be granted by the said Court for a sale of all the lands, railway

railway depot and station grounds, and franchises of the said Company, at public auction to any person or persons, or body corporate, that shall become the highest bidder, for cash to be paid at the time of such bid ; and upon such sale all the said properties and franchises shall belong to the purchaser, or purchasers, who may proceed to complete the Railway, under the original Act of Incorporation, subject to the proviso in the first section of this Act. Its effect.

3. The purchaser may amalgamate the said Railway with any other Railway, whereupon the said Peterborough and Chemong Lake Railway shall be managed by the Directors, and be the property of the shareholders of such other Railway, subject to the provisions hereinafter enacted. Power to amalgamate with another Company.

4. The purchase money paid at such sale, after defraying the expenses of this Act, and of the application for sale and of the sale, shall be paid by the said Court of Chancery to the unsatisfied creditors of the said Company, if any, and any surplus shall be paid to the shareholders of the present Company, according to their proportions of paid up capital stock, and an account shall be taken by the Court at any time prior to the sale, if prayed for. Distribution of purchase money.

5. Upon such sale all the liabilities of the present shareholders for anything done thereafter shall wholly cease and be at an end. Present Shareholders released.

6. It shall and may be lawful for the Port Hope, Lindsay, and Beaverton Railway Company to connect the present leased or branch line of the said Company, now in operation between the village of Millbrook and the town of Peterborough, with the said Peterborough and Chemong Lake Railway at such point on the line of said Railway as the said Port Hope, Lindsay and Beaverton Railway Company may deem expedient ; provided always, that the expense of effecting such connection shall be paid by the said Port Hope, Lindsay and Beaverton Railway Company. Railway may be connected with Port Hope, Lindsay and Beaverton Railway.

7. It shall and may be lawful for the Cobourg and Peterborough Railway Company to connect or maintain the existing connection between the Railway of the said Cobourg and Peterborough Railway Company and the said Peterborough and Chemong Lake Railway, at such point on the line of the said Railway as the said Cobourg and Peterborough Railway Company may deem expedient ; provided always, that the expense of such connection shall be paid by the said Cobourg and Peterborough Railway Company. Connection with Cobourg and Peterborough Railway. Proviso.

8. For the purpose of enabling the said respective Companies to make and complete the said connections with the said Peterborough and Chemong Lake Railway, all the clauses of the Certain clauses of the Railway Act to apply.

the

the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, relating to "Lands and their valuation," and "Highways and Bridges," are hereby incorporated with the Special Act and Acts relating to the said Port Hope, Lindsay and Beaverton Railway Company, and the said Cobourg and Peterborough Railway Company respectively.

Certain Railway Coes, may run cars over the Peterboro' and Chemong Lake Railway; conditions if not agreed upon to be settled by arbitration.

9. The said Port Hope, Lindsay and Beaverton Railway and the Cobourg and Peterborough Railway Companies respectively, and any railway company which may hereafter connect with the said Peterborough and Chemong Lake Railway, shall have the right and power of running their trains and cars over the line of the said Peterborough and Chemong Lake Railway Company, upon payment of such compensation, and upon such terms as may be agreed upon between the said companies, and in case the directors of the said companies respectively cannot agree on the said terms and compensation, then all disputes as the same may arise, shall be referred to arbitration under the arbitration clauses of the Railway Act, as to the appointment of arbitrators and making the award.

No preference to be granted to any Company,

10. It shall not be lawful for the said Peterborough and Chemong Lake Railway Company, by any agreement or otherwise with any one of the said Railway Companies, to grant any advantage to any one Company over the other or others; provided that the Directors of the Peterborough and Chemong Lake Railway Company shall have power to regulate the hours at which the Railway Companies may use the line of the said Peterborough and Chemong Lake Railway Company.

Proviso as to hours.

Public Act.

11. This Act shall be deemed a Public Act.

C A P. X C I X.

An Act to amend and extend the provisions of the Act incorporating the Port Hope, Lindsay and Beaverton Railway Company, and of the Acts amending the same.

[Assented to 15th August, 1866.]

Preamble.

W. HEREAS the Port Hope, Lindsay and Beaverton Railway Company have by petition prayed for an Act to amend and extend the provisions of the Act incorporating the said Company, and of the Acts amending the same, and it is expedient to grant such request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts declared in force.

Period for completion of

1. All Acts and parts of Acts incorporating the said Company shall be and the same are hereby declared to be in full force and effect, and the time for the completion of the works therein

therein respectively mentioned shall be and the same is hereby extended for the period of five years from the passing of this Act. works extended.

2. The said Company shall have power and authority to contract for and purchase and acquire from the parties interested in the Millbrook and Peterborough branch of the said Railway, all the said branch and the rolling stock and appurtenances thereof, used either upon the said branch, or the main line, not belonging to the said Company, at and for such price and upon such terms as may be agreed upon; and such purchase shall be legal and binding upon all the parties interested therein, notwithstanding any such parties may be so interested and at the same time acting as Directors or officers of the said Company, and no trust shall exist or attach upon the said properties, or any or either of them, in respect of the purchase money thereof; any law, usage or custom to the contrary notwithstanding. Company may acquire Peterborough and Millbrook branch.

Trusts to cease.

3. Mrs. Emily Boulton, one of the parties interested in the said Branch Railway, shall and may on her own behalf, and as trustee for her children, enter into and complete such contract and purchase and sale, and any contract thus entered into by her, in writing, or any other contract, agreement, sale, ratification or purchase of, or respecting the same, or any interest she or her children have or may be supposed to have therein, or in the said Railway or Company, or other property thereof, shall be legal and binding upon her and her said children, notwithstanding her coverture or the infancy of the said children or any or either of them, or any other disability which may or may be supposed to exist; Provided always that nothing herein contained shall in any wise prejudice the rights either in law or equity of the creditors of D'Arcy Edward Boulton, husband of the said Emily Boulton, of, in, or to the said Railway property and interest. Power to parties interested to complete sale.

Proviso.

4. The said company to effect the completion of such purchase shall have power to issue first preference bonds secured upon the said Railway, the said Branch Railway, the said Rolling Stock, and all other the properties, estate and effects of the said Company, for such sum as may be found necessary for the purposes of the Company, and bearing such rate of interest not exceeding six per cent. per annum, as the Company may think advisable, and not exceeding in the whole one hundred and ten thousand pounds sterling; and the same may be made payable to the bearer thereof, and shall be negotiable instruments, and may be sued upon and collected by the holder thereof in the same manner as an ordinary promissory note, or by foreclosure or otherwise; Provided always, that it shall not be lawful for the said Company to issue the said first preference bonds until the consent in writing of the persons with whom the now existing Mortgage Bonds of the Company have been deposited On completion of purchase Company may issue preferential bonds.

Proviso: condition precedent to such issue.

deposited as collateral security for the due payment of certain Bonds given by Henry Covert, of the Town of Cobourg, Esquire, for the purchase made by him of the now existing Mortgage Bonds of the said Company, has been obtained.

Power to construct a certain branch.

5. Subject to the provisions of the Railway Clauses Consolidation Act, the said Company shall have power to construct a branch or line from the present terminus in Peterborough, to and to connect with the Peterborough and Chemung Lake Railway.

And also other branches.

6. The said Company shall also have power to construct branches or lines of Railway from any point on their main line north of Milbrook, to any mills within four miles of their said line of Railway, either constructed or authorized by this Act to be constructed.

Power to sell lands.

7. The said Company may sell or convey any lands belonging to them not required for the use and purposes of the said Railway.

Agreement with certain Township Municipalities recited:—such agreement to take effect on their transferring their stock to the Company.

8. And whereas under the provisions of the Statute twenty-seventh and twenty-eighth Victoria, chapter eighty-six, section sixteen, the Township of Hope and the Township of Ops and the Town of Lindsay respectively have agreed with the said Railway Company for the sale of the stock now held by the said Municipalities respectively in the said Company at and for the annual sums or considerations following respectively, that is to say, at and for the annual sum of fifteen hundred and forty-two dollars, to the Township of Hope, the annual sum of two hundred and ninety-six dollars and seventy-five cents to the Township of Ops, and the annual sum of two hundred and ninety-six dollars and seventy-five cents to the Town of Lindsay, payable by the said Railway Company to the said respective municipalities on the first day of December in each year, the first payment thereof being for the half year only ending on the first day of December next, to be payable on the said last mentioned day: It is therefore enacted that upon the transfer or the tender of a transfer of the stock held by any such municipality to the said Railway Company or to such person as such Company may appoint to receive the same, the said annual sum hereinbefore designated for such municipality shall constitute a first charge and lien in favor of such municipality upon the whole property of the said Railway Company and shall form a debt of the said Company to such Municipality which may be recovered in any Court of Law or Equity of competent jurisdiction in Upper Canada; Provided always that nothing herein contained shall prejudice the security held by the Town of Peterborough upon the Milbrook and Peterborough branch of the said Railway.

Proviso.

9. Upon an assignment or transfer to the said Company, or to such person as they may appoint, of the stock held by any person or persons, in the capital of the said Company, or upon a tender of such assignment or transfer, the said Company shall pay to every such Stockholder fifty cents in the dollar upon the amount that may have been paid upon such stock, such payment to be made in the said first preference bonds, to be issued under the provisions of this Act; Provided always that this clause shall not extend or apply to any stock now or heretofore held by any Municipality.

Stockholders transferring shares to have 50 per cent. in first preference bonds.

Proviso.

10. This Act shall be deemed a Public Act.

Public Act.

C A P. C.

An Act to incorporate the South Eastern Counties Junction Railway Company.

[Assented to 15th August, 1866.]

WHEREAS the persons hereinafter named, and others, have petitioned for incorporation as a Company to construct the Railway hereinafter described, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Hiram Sewell Foster, Nathaniel Pettes, Christopher Dunkin, James O'Halloran, Gardner Henry Sweet, Amasa P. Hurlburt, Edmund L. Chandler, John McMannis, Orin Rixford, Levi A. Perkins, Charles P. Kilborn, and Azro H. Chandler, Esquires, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The South Eastern Counties Junction Railway Company."

Incorporation and corporate name.

2. The several clauses of "The Railway Act," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their election and duties," "Calls," "Shares, and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used herein shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act; and subject always to the following modification of the tenth section of

Certain clauses of Railway Act incorporated with this Act.

Proviso: as to extent of land to be taken.

of "the Railway Act," that is to say, that lands to the extent of twenty acres for Stations, Depots and other works wheresoever they may be required, may be taken by the said Company, subject, however, to the provisions of the said Act in that behalf.

Line of the railway.

3. The said Company and their Agents and servants may lay out, construct and finish a double or single track iron Railway, of such width or guage as the Company see fit, from West Farnham, or other convenient point on the line of the Stanstead, Shefford and Chambly Railroad, to such point on the Province line in the township of Potton, as may best suit for connecting the same with the Connecticut and Passumpsic Rivers Railroad, in the United States; and the said Company shall have power and authority to construct the different sections of the said railway in such order as they see fit, keeping in view the general direction as hereinbefore provided.

May be built by sections.

Capital stock and shares; and how to be applied.

4. The Capital Stock of the said Company shall not exceed in the whole the sum of one million five hundred thousand dollars, to be divided into fifteen thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the Municipality of any County, City, Town or Township interested in the said railway or otherwise, to pay out of the funds of such Municipality such preliminary expenses, which sums shall be refunded to such Municipality from the stock of the said Company or be allowed in payment of stock.

Proviso as to preliminary expenses.

Certain manufacturing, &c., Companies may take stock.

5. All manufacturing, mining or other trading Corporations carrying on their operations, in whole or in part, within the limits of the Counties of Missisquoi and Brome, whether incorporated by special Act, or under any general Act, may subscribe for or otherwise acquire, and may hold, any number of shares of the capital stock of the said Company, and may dispose of the same at pleasure.

First Directors and their powers.

6. The said Hiram Sewell Foster, Nathaniel Pettes, Christopher Dunkin, James O'Halloran, Gardner Henry Sweet, Amasa P. Hurlburt, Edmund L. Chandler, John McMannis and Levi A. Perkins, shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other directors shall be appointed under the provisions of this

this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than five other persons, who shall thereupon become and be Directors of the Company equally with themselves,—to open Stock Books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

7. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

Subscriptions
for stock.

8. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, the said Directors, or a majority of them may call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the City of Montreal, and in (or as near as may be to) the counties through which the said Railway shall pass, at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present either in person or by proxy, shall elect not less than seven nor more than ten Directors in the manner and qualified as hereinafter provided, which said directors shall constitute a Board of Directors, and shall hold office until the first Monday in September in the year following their election.

When the first
general meet-
ing of share-
holders shall be
held.

Election of Di-
rectors.

9. On the said first Monday in September, and on the first Monday in September in each year thereafter, at the principal office of the said Company, there shall be holden a general meeting of the shareholders of the said Company, at which meeting the said shareholders shall elect a like number of not less than seven nor more than ten Directors for the then ensuing year, in manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers published in the towns or counties along the line of railroad; and the elections for Directors shall be by ballot, and the persons so elected, together with the *ex-officio* directors, under "The Railway Act," shall form the Board of directors.

Annual elec-
tions of direct-
ors.

To be by ballot.

10. Five Directors shall form a *quorum* for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors; Provided, however, that no person shall be elected a Director unless

Quorum of
directors, &c.

he

Qualification. he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls on the said stock.

One vote for each share. **11.** In the elections of Directors under this Act, and in the transaction of all business at General shareholders' Meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up.

Calls on shares. **12.** The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent, and giving one month's notice thereof, in such manner as the Directors may appoint.

Forms of deeds of lands to the company, and registration thereof.

13. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars in their respective Counties, are required to be furnished by, and at the expense of the said Company, with a book with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the Deed, and the Registrar shall charge and receive from the said Company for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law; any Statute or provision of law to the contrary notwithstanding.

Fee to Registrar.

Company may become parties to notes, &c.

14. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a *quorum* of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as

Proviso: not to herein provided and enacted; provided, however, that nothing

in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

issue Bank notes.

15. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the said Company, present at any Annual Meeting in the month of September, for the purpose of electing Directors, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said Railway without registration; provided, however, that no such Bonds bearing such *hypothèque* shall be issued until after the ten per cent of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed seven hundred and fifty thousand dollars.

Bonds for raising money by loan, bearing hypothec.

Proviso.

Proviso.

16. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith, on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods are not of a perishable nature, and shall remain unclaimed for twelve months, the Company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the proceeds of the sale, after paying the said freight and the costs of sale, shall be handed over to the owner if he shall claim the same.

Enforcing payment of freight on goods.

17. It shall be lawful for the said Company to enter into any agreement with any other Railway Company, either in this Province or in any Foreign State, for leasing the said Railway or any part thereof or the use thereof, at any time or times, to such other Company, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, or movable property, and generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms

Agreements with other companies.

Cars from U.S. how to be dealt with as to Custom's Laws.

terms and tenor thereof; and any locomotive, car, carriage, or tender of any Foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such foreign company as intended to pass regularly along the said Railway between this Province and a Foreign State, shall for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

Agreements for branches, or use of any railway bridge.

18. The Directors of the said Company elected by the shareholders in accordance with the provisions of this Act shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company, and shall have full power and authority to negotiate with any Company having the chartered right of constructing a bridge across the St. Lawrence River, at or near the city of Montreal, for the right of using the said bridge for the purposes of the railway, and the advantage and benefit of the company hereby incorporated.

Use of wild lands of the crown; lands covered with waters, &c.

19. It shall and may be lawful for the said company to take and appropriate for the use of the said railway, but not to alienate any wild lands of the Crown along the line of the said railway, which may be necessary for the said railway, with the consent of the Governor in Council, and also so much of the land covered with the waters of any river, stream, lake or canal, as may be necessary for the works of the said railway; provided, that if the said railway shall cross any navigable river or canal, it shall not be lawful for the said company to obstruct the navigation of such river or the use of such canal, save and except under and subject to such rules and regulations as may be made, from time to time, by the Governor in Council, with reference to draw or swing-bridges for the passage of vessels, boats or rafts.

Proviso: such use subject to regulations by Governor in Council.

Aliens may vote, &c.

20. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Government may assume the works.

21. The Provincial Government may at any time after the commencement of the said Railway assume the possession and property thereof, and of all the property which the said Company is empowered to hold, and of all the rights and advantages vested in the said Company, upon giving four months' notice of the intention to assume the said Railway and works.

Compensation in such case.

22. In the event of such assumption as aforesaid, the said Company shall make out and submit to the Provincial Government a statement and account in writing of all moneys then expended,

expended, and all their ascertained liabilities, and the Provincial Government shall, within four months from the time of receiving the said account, pay to the said Company the amount of money so expended, and the amount of such liabilities, with interest at six per cent, and with an addition of ten per cent; and the Government shall also from time to time pay all such liabilities as shall be further ascertained and established against the said Company; provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two arbitrators, one to be named by the Government, the other by the Company, and in case of a disagreement such difference shall be referred to an umpire to be chosen by such arbitrators before entering into the consideration of the said difference, and the said award so made by the arbitrators or the umpire shall be final; and provided also that in case of refusal by the Company to appoint an arbitrator on their behalf, the same shall be appointed by any two of the Judges of the Superior Court for Lower Canada.

Proviso; arbitration in case of disagreement.

Proviso.

23. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents that I, A. B., of do hereby, in consideration of paid to me by the South Eastern Counties Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said South Eastern Counties Junction Railway Company, their successors and assigns, all that tract or parcel of land, (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to have and to hold the said land and premises unto the said Company, their successors and assigns, forever.

Witness my hand and seal, this day of one thousand eight hundred and

Signed, sealed and delivered, in presence of

A. B

[L. S.]

C A P. C I.

An Act to incorporate the Waterloo, Magog and Stanstead Railway Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Honorable James Ferrier, the Honorable L. S. Huntington, A. Knight, C. J. Brydges, G. G. Stevens, D. R. Wood, R. Merry, and L. D. Marsh, Esquires, and others, have petitioned that an Act may be passed creating a Company to be authorized to construct a Railroad from Waterloo, the present termination of the Stanstead, Shefford and Chambly Railroad, in the County of Shefford, in the general direction of Stukely, Bolton and Magog, to connect with the Connecticut and Passumpsic Rivers Railroad at the Province line, in the Township of Stanstead; and whereas it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation and corporate name.

1. The Honorable Charles D. Day, the Honorable James Ferrier, the Honorable L. S. Huntington, A. Knight, C. J. Brydges, G. G. Stevens, D. R. Wood, R. Merry, L. D. Marsh, Ozro Morrill, R. N. Hall, E. Longley, C. L. Robinson, Esquires, with such other persons, corporations or municipalities as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Waterloo, Magog and Stanstead Railway Company."

Clauses of Railway Act incorporated with this Act.

2. The several clauses of "The Railway Act," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity, and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used herein shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act; and subject always to the following modification of the tenth section of "The Railway Act," that is to say, that lands to the extent of twenty acres for Stations, Depots and other works wheresoever they may be necessary, may be taken by the said Company, subject, however, to the provisions of the said Act in that behalf.

Proviso: as to extent of land to be taken.

3. The said Company and their agents and servants shall have full power and authority, under this Act, to lay out, construct, make and finish a double or single track iron Railway, at their own costs and charges, of such width or gauge as the Company see fit, from the Village of Waterloo, in the Township of Shefford, the present terminus of the Stanstead, Shefford and Chambly Railroad, or in the discretion of the said Company, from any point between the said Village of Waterloo and the westerly boundary line of the township of Stukely, thence in the general direction of Stukely and Bolton to the outlet of Memphramagog Lake, and thence to the Province line in Stanstead at such point as shall best secure a favorable connection with the Connecticut and Passumpsic Rivers Railroad, at the Province line in Stanstead; and the said Company shall have power and authority to construct the different sections of the said Railway in such order as they see fit, keeping in view the general direction as hereinbefore provided.

Line of the
Railway.

Line may be
built in sec-
tions.

4. The Capital Stock of the said Company shall not exceed in the whole the sum of one million of dollars, to be divided into ten thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock, and the money so raised shall be applied in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the Municipality of any County, City, Town or Township interested in the said Railway or otherwise, to pay out of the funds of such Municipality such preliminary expenses, which sums shall be refunded to such Municipality from the stock of the said Company, or be allowed in payment of stock.

Capital stock
and shares; and
how to be
applied.

Proviso: as to
preliminary
expenses.

5. The Honorable Charles D. Day, James Ferrier, Lewis T. Drummond, L. S. Huntington, and A. Knight, J. H. Pope, C. J. Brydges, R. Merry, R. N. Hall, and D. R. Wood, Esquires, shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other directors shall be appointed under the provisions of this Act, by the shareholders, and shall have power and authority, immediately after the passing of this Act, to open Stock Books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and, as hereafter provided, to call a general meeting of shareholders for the election of directors.

First Directors
and their pow-
ers.

6. The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription

Subscriptions
for stock.

of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

When the first general meeting of shareholders shall be held.

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, it shall and may be lawful for the said Directors, or a majority of them, to call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the City of Montreal, and in the counties through which the said Railway shall pass, at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine Directors in the manner and qualified as hereinafter provided, which said nine Directors shall constitute a Board of Directors, and shall hold office until the first Monday in September in the year following their election.

Annual elections of directors.

8. On the said first Monday in September, and on the first Monday in September in each year thereafter, at the principal office of the said Company, there shall be holden a general meeting of the shareholders of the said Company, at which meeting the said shareholders shall elect nine Directors for the then ensuing year, in manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers published in the towns or counties along the line of railroad; and the elections for Directors shall be by ballot, and the persons so elected, together with the *ex-officio* Directors, under "The Railway Act," shall form the Board of Directors.

Election to be by ballot.

Quorum of directors, &c.
Qualification.

9. Five Directors shall form a *quorum* for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors; provided however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls on the said stock.

One vote for each share.

10. In the elections of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up.

Calls on shares.

11. It shall and may be lawful for the Directors, at any time, to call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and giving one month's

month's notice thereof, in such manner as the Directors may appoint.

12. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars in their respective Counties, are required to be furnished by, and at the expense of the said Company, with a book with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the Deed; and the Registrar shall charge and receive from the said Company for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

Form of deeds of lands to the company, and registration thereof.

Registrar's fees.

13. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a *quorum* of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company may become parties to notes, &c.

Proviso: not to issue Bank notes.

14. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the said Company, present at any Annual Meeting in the month of September, for the purpose of electing Directors, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said

Bonds for raising money by loan, bearing hypothec.

Proviso.

said Company, and shall bear *hypothèque* upon the said Railway without registration; provided however, that no such Bonds bearing such *hypothèque* shall be issued until after the ten per cent. of the whole capital stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed five hundred thousand dollars.

Enforcing payment of freight on goods.

15. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith, on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods are not of a perishable nature, and shall remain unclaimed for twelve months, the Company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the proceeds of the sale, after paying the said freight and the costs of sale, shall be handed over to the owner if he shall claim the same.

Agreements with other Companies.

16. It shall be lawful for the said Company to enter into any agreement with any other Railway Company, either in this Province or in any Foreign State, for leasing the said Railway or any part thereof or the use thereof, at any time or times, to such other Company, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof; and any locomotive, car, carriage or tender of any Foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such foreign company and intended to pass regularly along the said Railway between this Province and a Foreign State, shall for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

Cars from U. S. how considered as respects Customs laws.

Agreements for branches, or use of any railway bridge.

17. The Directors of the said Company elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches

to facilitate a connection between this Company and such other Chartered Railway Company, and shall have full power and authority to negotiate with any Company having the chartered right of constructing a bridge across the St. Lawrence River, at or near the City of Montreal, for the right of using the said bridge for the purposes of the Railway, and the advantage and benefit of the Company hereby incorporated.

18. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, any wild lands of the Crown along the line of the said Railway which may be necessary for the said Railway, with the consent of the Governor in Council, and also so much of the land covered with the waters of any river, stream, lake or canal, as may be necessary for the works of the said Railway; provided that if the said Railway shall cross any navigable river or canal, it shall not be lawful for the said Company to obstruct the navigation of such river or the use of such canal, save and except under and subject to such rules and regulations as may be made from time to time by the Governor in Council, with reference to draw or swing-bridges for the passage of vessels, boats, or rafts.

Use of wild lands of the Crown; lands covered with waters, &c.

Proviso: such use to be subject to regulations.

19. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada, or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

Aliens may vote, &c.

20. The Provincial Government may at any time after the commencement of the said Railway assume the possession and property thereof, and of all the property which the said Company is empowered to hold, and of all the rights and advantages vested in the said Company, upon giving four months' notice of the intention to assume the said Railway and works.

Government may assume the works, after notice.

21. In the event of such assumption as aforesaid, the said Company shall make out and submit to the Provincial Government a statement and account in writing of all moneys then expended, and all their ascertained liabilities, and the Provincial Government shall within four months from the time of receiving the said account, pay to the said Company the amount of money so expended, and the amount of such liabilities, with interest at six per cent. and with an addition of ten per cent.; and the Government shall also from time to time pay all such liabilities as shall be further ascertained and established against the said Company; Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two arbitrators, one to be named by the Government, the other by the Company, and in case of a disagreement, such difference shall be referred to an umpire to be

Compensation in such case.

Proviso: for arbitration in case of disagreement.

Proviso : as to
appointment of
arbitrator.

be chosen by such arbitrators before entering into the consideration of the said difference, and the said award so made by the arbitrators or the umpire shall be final ; and provided also that in case of refusal by the Company to appoint an arbitrator on their behalf, the same shall be appointed by any two of the Judges of the Superior Court.

Public Act.

22. This Act shall be deemed a Public Act.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., of _____, do hereby, in consideration of _____ paid to me by the Waterloo, Magog and Stanstead Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Waterloo, Magog and Stanstead Railway Company, their successors and assigns, all that tract or parcel of land, (*describe the land,*) the same having been selected and laid out by the said Company for the purposes of their Railway, to have and to hold the said land and premises unto the said Company, their successors and assigns, forever.

Witness my hand and seal, this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, in presence of

A. B

[L. S.]

CAP. CII.

An Act to incorporate the Belleville and Marmora Railway Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the County Council of the County of Hastings and the Town Council of the Town of Belleville and others, have petitioned for an Act to incorporate a Company to construct a Railway from the Bay of Quinté, at or near the Town of Belleville, in the County of Hastings, to the Marmora Iron Works, in the Township of Marmora in the said County, by way of the valley of the River Moira, to the Village of Tweed, in the Township of Hungerford, thence to the Village of Bridgewater, in the Township of Elzevir, thence by way of the Village of Madoc, in the Township of Madoc, to the Marmora Iron Works aforesaid, or by any other route that may be found practicable ; and whereas it is expedient to grant the prayer

prayer of the said petitions : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Nathaniel Stephen Appleby, of Shannonville ; the Honorable Billa Flint, Ezra William Holton, Francis McAnnany, Henry Corby, Lewis Wallbridge, George Neilson, John Bell, Charles George Levisconte, James Brown, William Hope, Thomas Campbell Wallbridge, all of the Town of Belleville ; Solomon Johns, of the Township of Marmora ; David B. Johns and James Cook, of the Township of Rawdon ; Al. F. Wood, John R. Ketcheson, William H. Tumblety and Edward D. O'Flynn, of the Township of Madoc ; Abraham L. Bogert and Felix Gabourie, of the Township of Hungerford ; Daniel Thompson, of the Township of Elzevir ; James Archibold, James Hagerty and Philip Ketcheson, of the Township of Huntingdon ; Honorable Robert Read and Robert Bird, of the Township of Sydney ; David Clapp, of the Township of Thurlow ; George Gordon, of the Village of Trenton ; Alexander McLaren, of the Township of Tyendinaga, all of the County of Hastings ; together with such other person or persons as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "Belleville and Marmora Railway Company."

Incorporation
and corporate
name.

2. The several clauses of the Railway Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last-mentioned Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "working of the railway," and "general provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof ; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Act which are incorporated with this Act and the several Acts amending the same.

Certain clauses
of the Railway
Act to apply.

Interpretation
clause.

3. The Company hereby incorporated, and their servants and agents, shall have full power to lay out and construct a railway from the shores of the Bay of Quinté, at or near the Town of Belleville, in the County of Hastings, to the Marmora Iron Works, in the Township of Marmora, in the said County, by way of the valley of the Moira River, to the Village of Tweed, in the Township of Hungerford ; thence to the Village of Bridgewater, in the Township of Elzevir ; thence by way of the

Line of Rail-
way.

May pass over
Crown Lands.

the Village of Madoc, in the Township of Madoc, to the Marmora Iron Works, or according to any other line that the said Company shall select and deem best for the public accommodation, and with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid.

Capital.

Shares.

Votes.

4. The capital of the Company hereby incorporated shall be six hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), which said capital shall be raised in twelve thousand shares of fifty dollars each ; and every such share shall entitle the proprietor, on every occasion when the votes of the shareholders are given, to one vote for every such share.

Provisional
Directors.

5. From and after the passing of this Act, the Honorable Lewis Wallbridge, the Honorable Billa Flint, the Honorable Robert Read, Thomas Campbell Wallbridge, Ezra William Holton, Edward D. O'Flynn, John Bell, Al. F. Wood and Charles George Levisconte, Esquires, shall be the provisional directors of the said Company for carrying into effect the objects and purposes of this Act.

Form of Deeds
to Company.

6. Deeds and conveyances, under this Act, for the lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A.

Vacancies
among
Provisional
Directors.

Powers.

7. It shall be lawful for the provisional directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such provisional Director or Directors, out of the several subscribers for stock in their said railway to the amount of four hundred dollars each during the period of their continuance in office ; and such provisional directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions as the elective directors of the said Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway Act, and of this Act, become invested with or subject unto respectively.

When the first
meeting for
election of Di-
rectors shall be
held.

8. When and so soon as shares to an amount equivalent to one hundred and fifty thousand dollars in the capital stock of the said company shall be taken, and ten dollars per centum thereon shall have been paid into some one of the chartered banks of this Province, and which said amount shall not be withdrawn from such bank or otherwise applied except for the purposes

purposes of such railway or upon the dissolution of the company, it shall and may be lawful for the provisional directors of the said company, for the time being, to call a meeting in the town of Belleville, of the subscribers for stock therein, and who have paid ten per centum thereon as aforesaid, for the purpose of electing directors of the said company; Provided always, that if the said provisional directors shall neglect or omit to call such meeting, then the same may be called by any of the holders of shares in the said company, holding among them not less than an amount equivalent to sixteen thousand dollars; and of any meeting so called by the provisional directors, or by the shareholders as aforesaid, public notice shall be given in at least two newspapers published in the Town of Belleville, for one month immediately preceding the time of such meeting; And at such general meeting, the shareholders assembled, with such proxies as shall be present, shall choose seven persons to be directors of the said company, being each a proprietor of shares therein to an amount not less than six hundred dollars, and shall also proceed to pass such rules and regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Proviso:
if Directors neglect to call the meeting.

Election of Directors.

By-laws, &c.

9. The directors so appointed, or those appointed in their stead (at a meeting to be called for that purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until such time as shall be provided for by the by-laws; and the stockholders shall, yearly, in like manner, at such time and place as shall be provided for by the by-laws, meet and elect directors in the room of those whose period of office shall have expired, and generally to transact the business of the company; but if at any time it should appear to any ten or more of such shareholders, holding together five hundred shares at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, specifying in such notice the time and place and the reason and intention of such special meeting respectively; and the shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the shareholders, or the majority of them, at such special meetings assembled (such majority not having, either as principals or proxies, less than two hundred and fifty shares) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Term of office of Directors.

Annual election.

Special general meetings.

Business thereat.

Acts valid.

10. It shall be lawful for the directors of the said company, for the time being, to make, execute and deliver all such scrip and shares certificates, and all such bonds, debentures, mortgages or other securities as to the said directors for the time being shall from time to time seem most expedient for raising the

By whom Scrip for shares, bond, &c., shall be issued.

Proviso.

the necessary capital, for the time being authorized to be raised by the said company, or for raising any part thereof; Provided always, that the portion of the capital to be raised by bonds, debentures or mortgages, shall not exceed at any time the amount of the then paid up capital.

Bonds, &c.,
to whom
payable.

11. All bonds, debentures and other securities to be executed by the said railway company, may be payable to bearer; and all such bonds, debentures or other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law for delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names; but no such bond, debenture or other security shall be for a less sum than one hundred dollars.

Not to be for
less than \$100.

Quorum of Directors.

12. Any meeting of the directors of the said company, at which a majority of such directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Calls on shares.

Proviso.

13. Calls may be made by the directors of the said company for the time being; Provided that no call to be made upon the subscribers for stock in the said railway company shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said company, and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed; Provided also, that upon the occasion of any person becoming a subscriber for stock in the said company, it shall and may be lawful for the provisional and other directors of the said company, for the time being, to demand and receive to and for the use of the said company, the sum of ten dollars per centum upon the amount so by such person respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person respectively subscribing for stock.

Proviso: ten
per cent on
subscribing.

Acquiring
gravel pits, &c.

14. And whereas it may be necessary for the said company to possess gravel pits, and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along the line of railway, for constructing and keeping in repair, and for carrying on the business of the said railway: And as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found: Therefore, it shall be lawful for the said company, and they are hereby authorized from time to time, to purchase, have, hold, take, receive, use and enjoy along the line of the said railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons, or bodies politic, to give,

Company may
hold lands se-
parated from
the Railway,
for certain pur-
poses.

give, grant, sell or convey unto, and to the use of, or in any trust for the said company, their successors and assigns; and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said railway, and other works connected therewith.

15. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders may be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company; but no shareholder shall be entitled, in person or by proxy, to vote at any election of directors, or at any general or special meeting of the shareholders of the said company, who shall not have paid the aforesaid deposit of ten per centum and all calls due upon his stock at the time of such election or meeting.

Aliens may
vote and hold
office.

Must have paid
all calls, &c.

16. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration, on such owner; and the said company may thereupon proceed and ascertain the compensation by arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the order of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the "Railway Act," as varied and modified by this Act and the several Acts amending the said Act, as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section and to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Arbitration in
case of dis-
agreement as to
taking stone,
gravel, &c.

17. Where said gravel, stone or other materials shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between

Tracks may be
laid to such
gravel, &c.

between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of the " Railway Act " and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

How only the line of any highway shall be diverted, &c:

18. It shall not be lawful for the said company to divert permanently or change the line of any public road or highway without the consent of the municipality in which such highway or public road is situate, until they have made a plan of such deviation and submitted the same to the person performing, for the time being, the duties of the Government Inspector of Railways, for his approval ; a copy of which plan, signed by said inspector, shall be deposited with the Clerk of the Peace of the County or United Counties in which such diversion is situate ; and the said company, upon obtaining such sanction and filing said plan, may divert such public road or highway in the manner shown on the said plan ; and further, in every case of making a deviation, as above provided for, the company shall have all the powers for acquiring the land necessary for the location of the new road or highway, and for any materials necessary to construct the same, and shall possess all the powers given by this Act for the acquiring of land or materials ; and also the said company, in all such cases, shall place the new road or highway as near as can be in the same state of repair as the original road so diverted may have been in at the time of such diversion ; and in all such cases, if the company require it for their railway purposes, and in that case only, they shall have the right to take possession of and use the original highway so diverted ; Provided always, and it is hereby enacted, that the company may, with the consent of any municipality in which any public road or highway is situate, take, use and occupy any public allowance for road for the purposes of said railway, the consent of any such municipality to be given by resolution or by-law, as the Municipal Council of such municipality may determine.

Powers in such case.

Proviso : if the municipality consents.

Limitation of suits for things done under this Act.

19. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose ; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

20. The said railway shall be commenced within three years and completed within seven years after the passing of this Act ; and unless commenced and completed within the said several periods, this Act shall be null and void. When to commence and finish works.

21. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act. Public Act.

SCHEDULE A.

Know all men by these presents, that I
(Insert the name of the wife also if she is to release her dower, or, for any other reason, to join in the conveyance), do hereby, in consideration of _____ paid to me *(or as the case may be)* by the "Belleville and Marmora Railway Company," the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said "Belleville and Marmora Railway Company," their successors and assigns for ever, all that certain parcel or tract of land situate *(describe the land)*, the same having been selected and laid out by the said company for the purpose of their railway ; to have and to hold the said land and premises, together with every thing appertaining thereto, unto the said "Belleville and Marmora Railway Company," their successors and assigns for ever *(if there be dower to be released, add)*, and I *(the name of the wife)* hereby release my dower on the premises.

Witness my hand *(or our hands)* and seal *(or seals)* this day of _____, one thousand eight hundred and _____

A. B. [L. S.]
 C. D. [L. S.]

Signed, sealed and delivered }
 in the presence of } E. F.

CAP. CIII.

An Act to authorize the incorporation of the Cobourg, Peterborough and Marmora Railway and Mining Company, and for other purposes.

[Assented to 15th August, 1866.]

WHEREAS the Cobourg and Peterborough Railway Company and the Marmora Iron Company have nearly consummated their union under the authority of the Act of last Session, intituled : *An Act to authorize the Cobourg and Peterborough Railway Company to construct a Tramway or Railway from the Marmora Iron Works to River Trent, or to Rice Lake, and for other purposes* ; and whereas it has been agreed between the Preamble.
29 V. c. 79.

the said companies that upon such consummation the corporate name of the united companies shall be that named in the first section of this Act, and it is desirable that such agreement should be confirmed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

After the filing of the proper deed the Companies shall be united.

1. From and after the filing of the deed, and the publication in the *Canada Gazette* of the notice in the fifth section of the said cited Act mentioned, the said companies respectively, together with all such other persons as may become stockholders under the provisions of the Acts regulating the said companies, and under the said deed when so filed, shall be a body politic and corporate, under the name of the *Cobourg, Peterborough and Marmora Railway and Mining Company*, and all the respective properties, rights, powers and franchises of the said companies so uniting shall be vested in and belong to the said Cobourg, Peterborough and Marmora Railway and Mining Company.

Name.

Company may construct branch lines.

2. The said Cobourg, Peterborough and Marmora Railway and Mining Company are authorized to form and run branch lines of railway connecting with any part of their railway, or with their water route into any point or points in the Townships of Marmora, Belmont, Lake, Madoc, Elzevir, and Methuen or any or either of them, and also to connect the Marmora Works in the Township of Marmora, by line of railway either to the southward or northward of the Rice Lake and River Trent, with their main line of railway, between Cobourg and Ashburnham, and also to cross the River Trent with the same, subject to, and under and in accordance with all the clauses applicable to all and every of such works in the "Railway Act" which are incorporated herewith.

Railway Act to apply.

Company may remove rails and use them in other places.

3. The said Cobourg, Peterborough and Marmora Railway and Mining Company are authorized, after the consummation of such union as aforesaid, if they shall deem it expedient, to remove the iron rails, property and materials from that portion of the Cobourg and Peterborough Railway lying north of the Rice Lake, and to use the same in the construction of the Marmora Branch, provided that nothing herein contained shall restrict or affect the obligation of the Company to restore, complete and maintain their line to Peterborough.

Time for completing works.

4. The construction of the Branches authorized by this Act shall be commenced within three years from the passing thereof, and be completed within six years from the same date.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . ' C I V .

An Act to incorporate the Bothwell Tram Road and Bridge Company.

[Assented to 15th August, 1866.]

WHEREAS John Walker, John S. Buchanan, James Miller, Francis Nadeau, Charles E. Earle, Vine A. Watkins and Charles H. Adams, have, by their petition, represented that the construction of a tram road or way from the village of Bothwell to a point in the township of Orford, in the county of Kent, and of a toll bridge in connection therewith over the river Thames, between the townships of Zone and Orford, and the extension of the said tram road or way to points in the townships of Mosa, Aldborough, Euphemia, Dawn or Enniskillen, would tend much to develop the resources of the said townships and the surrounding country, and be of great public convenience and benefit, and that they are desirous of becoming incorporated as a company for the construction of the said tram road or way, and of the toll bridge, and for the working of the tram road or way, and collecting tolls on the said bridge, with other proper powers in that behalf, under the name of the "Bothwell Tram Road and Bridge Company," and have prayed to be so incorporated; And whereas it is proper that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said John Walker, John S. Buchanan, James Miller, Francis Nadeau, Charles E. Earle, Vine A. Watkins and Charles H. Adams, together with all such other persons as shall, under the provisions of this Act, become shareholders therein, shall be and are hereby declared and constituted a body corporate and politic by the name of "The Bothwell Tram Road and Bridge Company."

Incorporation.

Corporate name.

2. The said Company, their servants and agents shall have full power under this Act to lay out, construct and complete a double or single tram road or way of wood, or wood and iron, or other materials, from Bothwell, in the township of Zone, to any point in the township of Orford, and from Bothwell to any point in the townships of Mosa, Aldborough, Euphemia, Dawn or Enniskillen, and also to erect and construct a toll bridge over the River Thames, in connection with the said tram road or way, between the townships of Zone and Orford aforesaid, and to take and hold all lands for the purposes and conveniences of their said tram road or way, and of their said toll bridge and the approaches thereto, and the buildings and constructions in any way connected therewith, or aiding the traffic thereof, and to erect a toll-house and toll gate with other dependencies and approaches

Powers of the Company, and line of road or tram way.

To carry goods and passengers and collect tolls on, to be approved by Governor.

approaches to or upon the said bridge, and also shall have full power to carry and transport on their said road or way, and any and every part thereof, including the said bridge to be erected and constructed as aforesaid, in connection with the tram road or way, and for the purposes of the said company to form part thereof, all manner of goods, property and passengers at such reasonable rates as the directors of the company for the time being shall impose, and as shall be from time to time approved by the Governor of the Province; and also to demand and collect tolls for the use of the said bridge as hereinafter provided; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for constructing, erecting, keeping up and maintaining the said intended tram road or way, and the said toll bridge, toll house, toll gate and other dependencies; and the said road may be worked by horse or other power, but if by steam the rate of travelling shall not be greater than ten miles per hour.

Limitation of speed by steam.

Capital stock.

3. The capital stock of the said company shall be two hundred thousand dollars, divided into twenty thousand shares, of ten dollars each; but the company may commence operations under this Act so soon as ten thousand dollars shall have been subscribed, and ten per cent thereof paid into any chartered Bank in the Province to the credit of the Company; and the payment of all stock shall be made by calls on each shareholder for such sums and at such times as the Board of Directors of the Company shall determine; provided that at least one month's notice be given of every such call.

When to commence operations.

Calls.

Provisional directors.

4. The affairs of the Company shall be administered and its powers exercised, until the first general meeting thereof, by a Provisional Board of Directors, to consist of the said John Walker, John S. Buchanan, James Miller, Francis Nadeau, Charles E. Earle, Vine A. Watkins and Charles H. Adams, and thereafter by a Board of five Directors to be elected at such meeting, being severally shareholders to the amount of one hundred dollars or more in the capital stock of the Company, the shareholders electing them at such first meeting having paid in ten per centum on their stock; and two of such Directors in rotation shall retire annually from such Board, but may always be re-elected; and at the elections for Directors, each stockholder shall be entitled to one vote for every share of stock he holds and in respect of which he is not in arrear for any call; and any stockholder may vote by proxy; and the directors shall elect one of their number to be president; and such president and other Directors may be remunerated by the stockholders for their services; and three Directors of such Board shall form the quorum thereof, and in case of the death, resignation, removal or other disqualification of any Director, such Board may fill the vacancy until the next annual general meeting of the Company, by appointing any qualified shareholder thereto.

Elective Directors.

Voters.

Proxies.

President and payment of Directors.
Vacancies.

5. The said Provisional Board of Directors shall have full power to open stock books, assign stock to parties subscribing, make calls on stock, and grant certificates and receipts therefor, and to do all other things for the well-being of the said Company, and to conduct its affairs until the election of the Board of Directors thereof.

Powers of Provisional Directors.

6. The first general meeting of the Company shall be held at Bothwell, in this Province, at such time within six months at furthest, after an amount of ten thousand dollars has been subscribed and ten per centum thereof paid in, and at such place as the said Provisional Board of Directors shall appoint, and after at least one week's due notice given thereof; and annual general meetings of the Company shall thereafter be held at such time and place, and after such notice to be given thereof as by the By-laws of the Company shall from time to time be ordained.

First general meeting.

Annual meetings.

7. In case of any failure of election of Directors, the Corporation shall not thereby be dissolved, and the term of office of the then Directors, or any of them, shall not be deemed to have expired until the appointment of their successors.

In case of Failure of election.

8. The Board of Directors of the Company may make and enter into, on behalf of the Company, all necessary contracts, and shall administer the affairs of the Company, and make By-laws for the proper regulation of all matters concerning the said Company, and for the forfeiture of stock for non-payment of calls; for regulating or prohibiting the assignment of stock until fully paid up, or for any other matter or thing connected with the said Company, and may repeal such By-laws from time to time, and enact new By-laws.

Directors to make contracts, by-laws, &c.

Other matters.

9. The shareholders of the Company shall not as such be held responsible of any act, default or liability whatever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Limited liability of shareholders.

10. The said Company shall complete their road or way, and erect their said bridge within three years from the passing of this Act, and if the same be not then completed, the powers of the said Company, except as to the portion thereof that may then be in operation, shall cease.

Work to be completed in a certain time.

11. The said Company shall have all the powers and benefits and be subject to the liabilities, duties and restrictions given to and imposed upon Joint Stock Road Companies, in the fourth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-fourth, thirty-fifth,

Certain clauses of chapter 49 of Con. Stat. U. C., to apply to the Company.

fifth, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, sixtieth, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, one hundred and tenth and one hundred and eleventh sections of the Act chapter forty-nine of the Consolidated Statutes for Upper Canada, and those sections are, for the purposes of this Act and in regard to all corporations and persons, to be read and taken as part of this Act.

Municipal corporations may allow the company to use public road, &c.

12. The Council of any township or other Municipal Corporation may by By-law or otherwise, permit the said Company to construct their said road or way, or any part thereof, in, along, over and upon the whole or any part and parts of any original Government allowance for road or other public highway in such township, or within the limits of such other Municipal Corporation, and from thenceforth the portion and portions or the whole of such original allowance for road or other public highway to which such permission extends, shall be vested absolutely in the said Company, divested of any public right ; but whenever the tram road or way is intersected by any open and travelled public highway, the Company shall make, keep and maintain, on either side of, and on their track, a sufficient slope and guard, or platform, of plank or other material, so that the public may cross the same without inconvenience to themselves or injury to the track.

As to crossing public roads.

Power to use land for constructing the bridge.

13. For the purpose of erecting, building, maintaining and supporting the said bridge, the said company shall, from time to time, have full power and authority to take and use the land on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said bridge accordingly, doing as little damage as possible and making just and reasonable compensation for the damage so caused and the value of the land so taken or occupied as aforesaid.

Tolls on the bridge.

14. When and so soon as the said bridge shall be erected and built and made fit and proper for the passage of travellers, cattle, horses and carriages, it shall be lawful for the said company, from time to time and at all times, to ask, demand, receive, take, sue for and recover, to and for their own proper use, benefit and behoof, for pontage, as or in the name of a toll or duty, before any passage over the said bridge shall be permitted, the several sums following that is to say :

For every carriage or other vehicle drawn by two horses or other beasts of draught.....	Ten cents.
For every vehicle drawn by one horse or other beast of draught	Five "
For every additional beast of draught.....	Two "
For every horse, ass or mule with its rider.....	Four "
For cattle or horses, per head.....	Two "
For every sheep, calf, lamb, goat or pig, per head	One "
For every person on foot.....	Two "

15. Provided always, that no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses or carriages laden or unladen and drivers attending Officers and Soldiers of Her Majesty's Forces, nor the said Officers or Soldiers, nor any of them, nor carriages or drivers or guards sent with prisoners of any description, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever; Provided always that it shall and may be lawful for the said Company to diminish the said tolls or any of them, and afterwards, if they shall see fit, again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorized to be taken; Provided also, that the said Company shall affix or cause to be affixed in some conspicuous place at or near the said toll gate or upon the said bridge, a table of the rates payable for passing over the said bridge, and so often as such rates may be diminished or augmented, they shall cause such alteration to be affixed in manner aforesaid.

Exemptions
in favour of the
mail, troops,
&c.

Proviso.

Proviso.

16. The said bridge and the said toll house, toll gate and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said bridge, and all materials which shall be from time to time found or provided for erecting, building or maintaining and repairing the same, and also the said tolls, shall be and the same are vested in the said Company for ever.

Bridge, tolls
&c., vested
in the Compa-
ny.

17. In case any person or persons shall, with horses, cattle or carriages, go or travel on, upon or across the said tram road or way or track or any part thereof, except at the slope or crossing mentioned in the Twelfth section of this Act, or any bridge of the said Company, whether doing injury or not to the same, except the said toll bridge on payment of the tolls to be lawfully demanded and collected according to the provisions of this Act, or if any person or persons shall in any way do or cause to be done any injury to such road or way or track, or any timber, tie, rail, fence, bridge or building connected therewith, or to any carriage, horse or engine of the Company, or any other property belonging to them or in their custody or charge, or shall interrupt or impede the passage of any train, car, carriage, horse or engine of the Company, such person or persons shall, upon conviction thereof in a summary way before any Justice of the Peace, be sentenced to pay all damages, if any, sustained by the Company, which damages shall be ascertained and settled by the Justice hearing the complaint, and also to pay a fine of not more than twenty dollars and not less than one dollar, together with all costs, which damages, fine and costs shall be paid within a time to be limited by the Justice, and in default thereof shall be levied as in the one hundred and seventh section of the said Act, chapter forty-nine of the Consolidated Statutes for Upper Canada, is directed; and in case of no goods and chattels to satisfy the warrant, the offender

Punishment of
persons tres-
passing upon,
or injuring
the property of
the company.

Sect. 107 of
Cap. 48 Con.
Stat. U. C. to
apply.

offender may be committed to gaol as in the said section is provided ; and the damages so ascertained shall be paid to the Company, and the fines one half to the complainant, and the residue to the Receiver General for the uses of the Province.

Penalty for
passing without
paying toll, &c.

18. If any person shall forcibly pass through the said toll gate or over or upon the said toll bridge without paying the said toll or any part thereof, or shall interrupt or disturb the said Company or any person or persons employed by them for building or repairing the said bridge or for making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said bridge, every person so offending in each of the cases aforesaid, shall for every such offence upon conviction thereof in a summary way before any Justice of the Peace, forfeit a sum not exceeding twenty dollars nor less than one dollar, or be imprisoned for a period not exceeding thirty days in the common gaol of the County.

No other bridge
to be erected
over the river
within certain
limits.

19. As soon as the bridge shall be passable and opened for the use of the public, no person shall erect or cause to be erected, any bridge or bridges for the carriage of any person, cattle or carriage whatsoever, for hire or otherwise, across the said river, within the distance of two miles above and two miles below the said bridge, measuring along the banks of the said river and following its windings ; and if any person or persons shall erect a toll bridge or bridges or any free bridge or bridges over the said river, within the said limits, he shall pay to the said company treble the tolls hereby imposed for the persons, cattle, horses and carriages which shall pass over such bridge or bridges.

Wilfully pulling
down, &c., the
works of the
Company, to be
felony.

20. If any person shall maliciously pull down, burn, destroy or injure the said bridge or any part thereof, or the toll-gate or toll house, or the said tram road or way, or any building or other dependencies connected therewith, to be erected by virtue of this Act, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

Height and
span of arches
of bridge.

21. Provided, always, that said Bridge hereby authorized to be constructed shall have under its arches an elevation of twenty feet above the ordinary high water mark, with a space of not less than one hundred and forty-five feet between each abutment.

Company may
convert their
road into a
gravelled road,
&c.

22. Should the said Company find it expedient, they may convert their tram road or way, or any parts thereof, into a plank or gravelled road, or road of other material ; and in such event, all and singular the clauses in the said Act, chapter forty-nine of the Consolidated Statutes for Upper Canada, in any way relating to tolls, shall then be taken as applicable to the

the said road, or the part or parts thereof so converted, and shall be in force in relation thereto.

22. This Act shall be deemed a Public Act.

Public Act.

C A P. C V.

An Act to authorize the construction of a Tramway from the Village of Orangeville, in the County of Wellington, to some point on the Grand Trunk Railway, West of Toronto.

[Assented to 15th August, 1866.]

WHEREAS certain persons resident in the Counties of Wellington, Simcoe and Peel, have petitioned that an Act may be passed for the construction of a Tramway from the Village of Orangeville, in the County of Wellington, to some point on the Grand Trunk Railway, west of Toronto; and whereas such Tramway would advance the agricultural and commercial interests of a large section of country: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of, Canada, enacts as follows:

Preamble.

1. Richard Church, Thomas Jull, Jesse Ketchum, the younger, William Wilson Walker, John Anderson, Francis Irwin, Thomas Jackson, Joseph Patullo, William Parsons and John Foley, together with such other persons as have, in anticipation of this Act, become stockholders in the company hereby incorporated, and such as may hereafter become such, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "Orangeville Tramway Company."

Company incorporated.

Corporate name.

2. The first, second, third and fourth clauses of the Railway Act, and also the several clauses of the said Act which refer to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "General Meetings," "Directors, their election and duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity and fines and penalties, and their prosecution," "Working of the Railway," and "General provisions," shall be incorporated with this Act, and shall apply to the said company and Tramway, except in so far as the same may be inapplicable to or inconsistent with the express enactments thereof; and the words "this Act," when used herein, shall be understood to include the provisions of the Railway Act, and the amendments thereto, so far as the same are incorporated as aforesaid with this Act.

Certain provisions of the Railway Act incorporated with this Act.

3. The "Orangeville Tramway Company," hereby incorporated, its servants, agents, or assigns, shall have full power under

Line of Tramway or Railroad.

Provision as
to occupying
common roads.

under this Act, to lay out, construct, complete and work a line of Tramway between the Village of Orangeville, in the County of Wellington, and some point on the Grand Trunk Railway, west of Toronto; and for that purpose shall have full power to take possession of and use as a site for such Tramway, such lands as they may require, and such parts of any road or allowance for road as may be necessary for that purpose; provided, nevertheless, that in so occupying any road, or allowance for one, the track shall not be laid within six feet of the centre of the road or allowance, except when it may be necessary to cross the same; and also that upon the completion of the Tramway the grade of the unoccupied portion of the road or road allowance shall not be more than one foot in twenty feet, for carriages travelling thereon.

Conveyances to
the Company.

4. Deeds and conveyances of land under this Act, to the said Company, shall and may, so far as the titles and circumstances of the conveyances will admit, be made in the form of the Schedule to this Act, marked "A," and the registration fee, to be paid to the proper registrar for registering each of such deeds and conveyances, shall be one dollar.

Registration.

Provisional di-
rectors.

5. From and after the passing of this Act, Richard Church, Thomas Jull, Jesse Ketchum, junior, William Wilson Walker, John Anderson, Francis Irwin, Thomas Jackson, Joseph Patullo, William Parsons and John Foley, shall be the provisional directors of the said company for carrying into effect the object and purposes of this Act.

Powers of the
provisional
directors.

6. The Board of Provisional Directors shall be and they are hereby invested with all the powers, privileges and indemnities, and subject to all the restrictions of directors to be elected by the stockholders, as hereinafter provided.

Vacancies,
how filled.

7. Vacancies, from whatever cause, occurring in the Board of Directors may be filled, during the existence of the provisional board, by the appointment, by the acting directors, of a shareholder to the vacancy, and after the election of a Board of Directors by the shareholders, vacancies shall be filled by a special meeting of the stockholders, to be called for that purpose.

First meeting
of the share-
holders for the
election of di-
rectors, &c.

8. When and so soon as twenty thousand dollars of the capital stock of the company shall be taken up, and ten per cent. thereon paid into one of the chartered Banks of the Province, the provisional directors, (or in the event of their failing to do so, stockholders having shares to the amount of four thousand dollars, on which ten per cent. has been paid in,) may call a meeting of the shareholders at Orangeville, for the purpose of electing directors, passing by-laws, and adopting regulations not contrary to the spirit of this Act, and for the transacting of general business affecting the interests of the company;

company ; but no such meeting shall be legal unless a notice of the time and place of holding it, and of the business to be transacted, shall have been given in some newspaper published at Orangeville, one month before the day of meeting.

Notice of meeting given.

9. The annual meetings of the shareholders for the election of directors, shall be held on the first Thursday in May of each year, and the directors elected shall hold office till their successors are appointed.

Annual election of directors and term of office.

10. Special general meetings may be called by the managing director, to be appointed at the first meeting of the directors in each year, or by the resolution of the Board of Directors, or at the instance of shareholders owning stock in the company to the amount of four thousand dollars, and the proceedings of such special meetings shall be as legal and binding as if passed at the annual general meeting ; notices of special meetings shall be given in the same manner as the notice of the regular annual meeting.

Special meetings.

11. For the purpose of constructing the said Tramway, and the necessary works in connection with it, the directors, for the time being, may raise the sum of fifty thousand dollars, divided into five thousand shares of ten dollars each, with power to increase the capital stock to one hundred and fifty thousand dollars, if necessary.

Capital and how raised.

Proviso as to increase of capital.

12. It shall be lawful for the directors for the time being to make, execute and deliver scrip and share certificates, and such bonds, debentures, mortgages or other securities as to them, from time to time, may seem most expedient, for raising the necessary capital or loans authorized by the company, or any part thereof ; and all bonds, debentures, mortgages or other securities shall be made payable to bearer, and shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers or owners thereof, for the time being, in their own names ; but no such bond, debenture or other security shall be for less than one hundred dollars ; provided that it shall not be lawful for the Company at any time to borrow on debentures, mortgages, or otherwise, more than the then paid up capital stock of the Company.

Directors to issue scrip.

Form of bonds, &c.

13. Calls may be made by the directors for the time being, at intervals of not less than one month, and unless promptly paid by the shareholders, their shares may be declared forfeited, or the amount may be sued for by the managing director, in the company's name, and recovered in the same manner as an ordinary debt.

Calls.

Limitation.

Recovery.

14. The company may acquire gravel pits and lands for stations, sidings and other purposes necessary to the efficient working of the Tramway and also the right of way to such gravel

Gravel pits and lands.

gravel deposits and lands and may, when no longer required, dispose of the same by bargain and sale.

Municipalities may grant bonuses to, or take stock in the Company, and how.

15. It shall and may be lawful for the council of any Municipality on, adjacent to, or lying within fifteen miles of the said Tramway to make and pass By-laws to grant a bonus to, or take stock in, the said company, and such municipality shall provide for the raising, either by rate or on the credit of the corporation, of the amount of bonus thus granted, or stock taken in the company, and if the latter, shall provide for the repayment of the debt within ten years from the passing of the by-law, and such by-law shall be valid and have effect without having been submitted to a vote of the electors, for confirmation; Provided always that the amount of bonus or stock subscribed shall not exceed ten thousand dollars for any one municipality.

Provido as to amount of bonus or stock.

Municipalities further empowered to aid the Company.

16. Upon a petition of a majority of the resident rate-payers of any municipality, situated as aforesaid, the council shall pass a by-law granting a bonus to, or taking stock in the said company, to the amount set forth in the said petition, and shall also provide for raising the amount by rate or on the credit of the corporation, as the petitioners may direct; but if on the credit of the corporation, then the by-law shall provide for the liquidation of the debt so incurred, within twelve years from its passing; and such by-law shall not be submitted to a vote of the electors, and shall be as legal and binding as if it had been so submitted; Provided always that the amount of bonus so granted, or the stock taken in the company, shall not exceed twelve thousand dollars.

Provido: as to amount.

Retrospective application of this Act.

17. This Act shall have a retrospective application in regard to the organization of the company and the stock now subscribed.

Time for commencing and completing road.

18. The road shall be commenced within five years, and shall be completed within ten years from the passing of this Act.

Public Act.

19. This Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents, that I, _____ do hereby, in consideration of _____ paid to _____ by the Orangeville Tramway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Orangeville Tramway company, their assigns and successors for ever, all that certain parcel or tract of land situate _____ the same having been selected and laid out by the _____ the

the said Company for the purposes of their Tramway ; to have and to hold the said lands and premises, together with everything appertaining thereto, to the said Orangeville Tramway Company, their successors and assigns, for ever, and I release my dower in the premises.

In witness whereof, &c.

C A P . C V I .

An Act to incorporate the "Ottawa City Passenger Railway Company."

[Assented to 15th August, 1866.]

WHEREAS certain persons have by their petition prayed that they may be incorporated under the title of the Ottawa City Passenger Railway Company, for the purpose of constructing and operating Street Railways in the City of Ottawa and the municipalities adjoining ; and whereas it is expedient to grant the prayer of the petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Joseph Aumond, Joseph M. Currier, William McNaughton, Henry Starnes, Henry Hogan, Edward McGillivray, William G. Perley, John Pratt, Joshua Smith, J. M. T. Hannum, and such other persons as now are or shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic, under the name of the "Ottawa City Passenger Railway Company."

Incorporation.

Corporate name.

2. The capital stock of the Company shall be one hundred thousand dollars, in shares of twenty dollars each.

Capital.

3. The Company may commence operations and exercise the powers hereby granted, so soon as thirty thousand dollars of the capital stock shall be subscribed and twenty per cent thereon paid up ; but the said Company shall commence the construction of the said Railway, within one year from the passing of this Act, and that portion thereof lying within the city limits shall be completed within two years from the passing of this Act.

Commencement and completion of the work.

4. The Company are hereby authorized and empowered to construct, maintain, complete and from time to time remove and change, a double or single iron railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon and along the following streets in the said city of Ottawa and the municipalities adjoining, viz : from the east end of Ottawa Street in New Edinburgh, thence along Ottawa Street to the road leading

Line of the Company's Railway.

In other places
with consent of
municipalities.

To construct
and maintain
the necessary
tracks : carry
passengers, &c.

Rails, how to
be laid, gauge,
&c.

Board of Di-
rectors.

Election.

Term of office.

Vacancies.

First Directors.

leading across Green Island, thence along the said road to Metcalfe Street in the said city, thence along Metcalfe Street to Sussex Street, along Sussex Street to Rideau Street, along Rideau Street to Sparks Street, along Sparks Street to Bank Street, along Bank Street to Wellington Street, along Wellington Street to George Street, along George Street to Duke Street, along Duke Street to or near the Suspension Bridge, and along and upon such other streets within the said city and the municipalities in Upper Canada adjoining the said city or any of them, as they may be authorized to pass along, under any subsequent agreement between the said company and the corporations of the said city and of the adjoining municipalities or any of them, and any by-laws of the said corporations or any of them made in pursuance thereof ; and to take, transport and carry passengers and freight upon the same, by the power and force of animals, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and to use and occupy any of the streets or highways and bridges aforesaid, and such as they may hereafter obtain the right from any of the said corporations to use, as may be required for the purposes of their railway track, and the laying of their rails and the running of their cars and carriages.

5. The rails of their railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said streets and highways ; and the gauge shall be such, that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the Company, and in all cases any carriage or vehicle on the track shall give place to the cars by turning off the track.

6. The affairs of the company shall be under the control of and shall be managed and conducted by a Board to consist of seven directors, each of whom shall be a stockholder to an amount of not less than five hundred dollars, and shall be elected on the first Tuesday of September of every year at the office of the company ; and all such elections shall be by ballot by plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy ; and the directors so chosen shall, as soon as may be, elect one of their number to be president, and directors shall continue in office one year and until others shall be chosen to fill their places ; and if any vacancy shall at any one time occur in the office of President or director, the remaining directors shall fill up such vacancy for the remainder of the year.

7. Joseph Aumond, Joseph M. Currier, William McNaughton, Wm. G. Perley, E. McGillivray, G. B. L. Fellowes and Robert Blackburn, shall be the first Directors of the Company, and shall

shall severally hold their offices till the first Tuesday of September next after the company goes into operation.

8. The Directors of the Company shall have power and authority to make, amend and repeal and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well-ordering of the company, the number of directors, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the entering into arrangements and contracts with the said city or adjoining municipalities, the declaration and payment of dividends out of the profits of the said company, the form and issuing of stock certificates, the calling of special and general meetings of the company, the appointment, removal and remuneration of all officers, agents, clerks, workmen, and servants of the company, the fares to be received for passengers and freight transported over the railway, or any part thereof, the intervals of time in running each car, the time within which, on each day, the cars shall be run, the speed of running the same, and in general to do all that may be necessary to carry out the objects, and exercise the powers incident to the company.

Powers of
Board of Di-
rectors.

9. The said company, in the construction of the said railway track, shall conform to the grades of the various streets through which the said track shall run, and shall not in any way change or alter the same.

Not to alter
grades of
streets.

10. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Stock to be
personalty, &c.

11. The company may purchase, lease, hold, acquire and transfer all real and personal estate necessary for carrying on the operations of the company.

Real estate,
&c.

12. If the election of directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose ; and all the acts of directors, until their successors shall be elected, shall be valid and binding on the company.

Failure of
election pro-
vided against.

13. The directors of the company may, from time to time, raise or borrow for the purposes of the company, any sum or sums not exceeding the whole seventy-five thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms as they may think proper, and may pledge or mortgage all the property and the tolls and income of the property, or any part thereof, for the repayment of

Directors may
raise loans.

Proviso.

of the money so raised or borrowed, and the payment of interest thereon; provided always, that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained at a special meeting to be called and held for that purpose; provided also that the said company shall not be authorized at any time to borrow a sum exceeding the amount of the capital stock then paid up.

Powers of the city and municipalities to agree for certain purposes.

14. The said city of Ottawa and the adjoining municipalities in Upper Canada, are respectively authorized to make and to enter into any agreements or covenants with the said company relating to the macadamizing, repairing and grading the streets and highways and the construction, opening and repairing of drains or sewers, and the laying of gas and water pipes, in the streets and highways to be traversed by the said railway, the non-obstructing or impeding of the ordinary traffic, and also to the construction and equipment of the said railway, along and upon any other streets and along any other routes than the one herein described.

By-laws to carry out agreements.

15. The said city and the said municipalities are hereby authorized to pass any By-law or By-laws, and to amend or repeal the same, for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, relating thereto, and for the enjoining obedience thereto, and for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

Public Act.

16. This Act shall be deemed a Public Act.

CAP. CVII.

An Act to further amend the Act to incorporate the International Bridge Company.

[Assented to 15th August, 1866.]

Preamble.

20 V. c. 227.

WHEREAS an Act was passed in the twentieth year of Her Majesty's reign, intituled: *An Act to incorporate the International Bridge Company*; and whereas an Act was passed in the twenty-second year of Her Majesty's reign, to amend the same; and whereas certain other Acts were passed in the twenty-third and twenty-sixth years respectively of Her Majesty's reign, to extend the time for commencing and completing the said bridge; and whereas it is desirable further to amend the said Act, and the Company has petitioned for an Act to amend the same: Therefore, Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The directors of the Company shall have power to appoint a Secretary and Treasurer of the said Corporation in their discretion, and it shall not be requisite that either of the said officers shall be Directors.

Appointment
of Secretary
and Treasurer.

2 It shall be lawful for the said corporation to borrow money to an amount not exceeding one million of dollars upon its Corporate Bonds, secured by a mortgage or mortgages upon all or any part of its revenues, franchises, rights and property ; such bonds may be for any term of years not exceeding twenty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Corporation at their marketable value.

Power to
borrow
\$1,000,000.

Terms of
bonds.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . C V I I I .

An Act to authorize William John Bickell to construct a Bridge over the River St. Charles.

[Assented to 15th August, 1866.]

WHEREAS the construction of a Toll-bridge over the River St. Charles, in the Parish of St. Roch of Quebec, opposite Hare Point, will greatly tend to promote the welfare and intercourse of the inhabitants of the said Parish and of the adjacent Parishes, and the convenience of the public generally ; and whereas William John Bickell, of the City of Quebec, has, by a petition presented by him for that object, prayed to be authorized to construct a Toll-bridge over the said River St. Charles, at the place above mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said William John Bickell is hereby authorized to erect and construct, at his own cost and expense, a solid and sufficient Toll-bridge over the said River St. Charles, at the place aforesaid, and to erect and construct a Toll-house and Toll-gate, with other dependencies and approaches to or upon the said Bridge ; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous, for erecting and constructing, keeping up and maintaining the said intended Bridge, Toll-house, Toll-gate and other dependencies, according to the true intent and meaning of this Act.

Authority to
build bridge
and dependen-
cies.

2. For the purpose of erecting, building, maintaining and supporting the said Bridge, the said William John Bickell, or his representatives, shall, from time to time, have full power and authority to take and use the land on either side of the said River St. Charles, and there to work up, or cause to be worked up

And take land,
&c.

Proviso: arbitration in case of disagreement as to compensation.

up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid; Provided always, that if the said William John Bickell cannot agree with the owners of the said lands as to the compensation therefor, the value thereof shall be determined by arbitration, which arbitration shall be conducted in manner following:—The said William John Bickell shall appoint one arbitrator, the owner of the land another, and the said two arbitrators shall appoint a third, and in case of disagreement the said third arbitrator shall be appointed by a Judge of any Court of Record, on the application of either of the parties; and such arbitrators shall have all necessary powers to summon witnesses, and to hear, swear, and examine them, and the award of the said arbitrators, or a majority of them, shall be final.

Bridge, &c., vested in W. J. Bickell and his representatives.

3. The said Bridge and the said Toll-house, Toll-gate and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall from time to time be found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said William John Bickell and his representatives forever; provided that, after the expiration of twenty-five years from the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession, and property of the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying the said William John Bickell or his representatives the then actual value of such Bridge and other dependencies; provided always, that nothing herein contained shall be construed to prevent any number whatsoever of the inhabitants interested in the said Bridge, at any time, from acquiring (as hereby it is expressly provided they may do) the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said William John Bickell or his representatives, to full and intrinsic value, which the same shall, at the time of such assumption, bear and be worth, with an addition of twenty-five per cent. upon the actual value thereof; and that after such assumption of the said Bridge it shall become a free Bridge, and shall forever thereafter be vested in and maintained by the purchasers or their representatives as such free Bridge.

Proviso: power to H. M., to assume the Bridge, &c., on certain conditions or the inhabitants may do so.

It shall then be a free Bridge.

Tariff of tolls, on the said Bridge.

4. When and so soon as the said Bridge shall be erected and built and made fit and proper for the passage of travellers, cattle, horses and carriages, and the same shall have been published in the English and French languages, at the doors of the Church of the Parish of St. Roch of Quebec, it shall be lawful for the said William John Bickell, or his representatives, from time to time and at all times, to ask, demand, receive,

receive, take, sue for, recover, to and for his own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said Bridge shall be permitted, the several sums folloing, that is to say :

	s. d.
For every four-wheeled carriage or other vehicle, drawn by one horse or other animal.....	0 4½
For each other horse or animal.....	0 1½
For every carriage or omnibus carrying six per- sons, and no more than sixteen, allowing eigh- teen inches for each passenger.....	1 3
For every carriage or omnibus carrying over sixteen passengers.....	1 8
For every gig, caleche, cab, or two-wheeled omnibus, carrying less than six passengers, drawn by one horse or other animal.....	0 4
For each additional horse or beast.....	0 1½
For every spring cart or other two-wheeled vehicle, other than above, drawn by one horse or other animal.....	0 3
For each other horse or animal.....	0 1½
For every sleigh, train, berline or other winter vehicle, drawn by one horse or other animal..	0 3
For each other horse or animal.....	0 1½
For every horse, mare, gelding, ass or mule, with rider.....	0 2
For every horse, mare, gelding, ass, mule, cow or other neat cattle.....	0 1
For every score (20) of sheep, lambs, hogs or swine.....	0 5

Provided always that the tolls or duties collected on the said Bridge shall never be less than those collected at the same period on Dorchester Bridge ; But every person going to or returning from divine service on Sunday, or Fêtes d'Obligation, or going to or returning from a funeral, and all children on their way to attend their college classes or their schools, shall be exempted from the payment of the above tolls.

Proviso: tolls
not to be lower
than on Dor-
chester Bridge.

Exemptions.

Provided also, that no person, horse or carriage employed in conveying a mail or letter under the authority of Her Majesty's Post Office, nor the horses and carriages, laden or unladen, and drivers attending Officers and Soldiers of Her Majesty's Forces or Militia, nor the said officers or soldiers, nor any of them, when on duty, nor carriages or drivers or guards sent with prisoners of any description, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever.

Further exemp-
tions.

5. Provided always that it shall be lawful for the said William John Bickell, or his representatives, to diminish or abolish the said tolls, or any of them, and then afterwards, if he sees fit, again to augment the same or any of them, so as not

Tolls may be
diminished and
again increa-
sed.

to exceed in any case the rates by this Act authorized to be taken ; Provided always, that the tolls or duties collected on the said Bridge shall never be less than those charged at the same period as pontage on crossing Dorchester Bridge ; Provided also, that the said William John Bickell, or his representatives, shall affix, or cause to be affixed, in some conspicuous place at or near the said Toll-gate, or upon the said Bridge, a table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid, and the said William John Bickell shall not at any time have the right of remitting tolls to any person whomsoever passing the said Bridge.

Tolls vested in W. J. Bickell and his representatives.

6. The said tolls shall be, and the same are hereby vested in the said William John Bickell or his representatives for ever, provided that if Her Majesty shall in the manner hereinbefore mentioned, after the expiration of twenty-five years after the passing of this Act, assume the possession of the said Bridge, Toll-house, Toll-gate, and dependencies, and the ascents and approaches thereto, then the said tolls shall from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said William John Bickell, for all and every the purposes of this Act.

Penalty for passing without paying tolls, &c.

7. If any person shall forcibly pass through the said Toll-gate, or over, or upon the said Bridge, without paying the said toll, or any part thereof, or shall interrupt or disturb the said William John Bickell, his representatives, or any person or persons employed by him for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding eight dollars, or be imprisoned for a period not exceeding ten days, in the common gaol of the district.

Penalty for injuring or destroying bridge.

8. If any person shall maliciously pull down, burn, destroy or injure the said bridge, or any part thereof, or the Toll-gate, or Toll-house, or other dependencies to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

Period for completing bridge.

9. The said William John Bickell or his representatives, to entitle himself or themselves to the benefits and advantages to him by this Act granted, shall, and he is or they are hereby required to erect and complete the said Bridge, Toll-house, Toll-gate, and dependencies, within four years from the day of the passing of this Act ; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, the said William John Bickell

Penalty if not so completed.

Bickell or his representatives shall cease to have any right, title or claim, in or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty, and the said William John Bickell or his representatives shall not by the said tolls, or in any other manner or way, be entitled to any reimbursement of the expense he or they may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages, the said William John Bickell or his representatives shall, and he is or they are hereby required, when the said Bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace, in and for the District of Quebec, be ascertained to be impassable or unsafe, and notice thereof to him or them by the said court shall have been given within such time as the said Court shall appoint, cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if, within the time last mentioned, the said Bridge be not repaired or rebuilt, as the case may require, then the said Bridge, or such part thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty; and after such default to repair or rebuild the said Bridge, the said William John Bickell or his representatives shall cease to have any right, title or claim in or to the said Bridge, or to the remaining parts thereof, and the tolls hereby granted, and his or their, and each and every of his or their rights in the premises, shall be wholly and for ever terminated.

If the Bridge becomes impassable or unsafe.

Forfeiture if not repaired in due time.

10. The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more Justices of the Peace for the District of Quebec, either by the confession of the offender or by the oath of one or more credible witness or witnesses (which oath such Justice is hereby empowered and required to administer), be levied by distress and sale of the goods and chattels of such offender, by warrant, signed by such Justice or Justices of the Peace, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned, on demand, to the owner of such goods and chattels; and one half of such penalties, respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

Enforcement of penalties.

11. The said Bridge to be built over the River St. Charles shall have under its arch an elevation of at least five feet above high water, and a distance of at least sixty feet between the piers thereof.

Height of bridge, and span of arches.

12. The said Bridge shall be a swing Bridge, and shall be so constructed as to admit of the free navigation, at all times, of the said River St. Charles, by vessels of every description capable of navigating the said river.

To be a swing bridge.

Indemnification
of Quebec
Turnpike
Trust, if their
revenue is di-
minished.

13. And with the view of preventing all differences between the Quebec North Shore Turnpike Road Trust and the said William John Bickell or his representatives, it is enacted,—That in case the revenues derived from the Dorchester Bridge should be diminished in consequence of the construction of the new bridge, the said William John Bickell or his representatives shall be bound to indemnify the said Quebec North Shore Turnpike Road Trust in the manner following :

Tolls to be de-
posited in Bank.

1. The said William John Bickell or his representatives shall every week deposit in one of the Incorporated Banks of this Province, all the tolls and revenues arising directly from the said new Bridge, after deducting the actual cost incurred in collecting the same, which said tolls and revenues he or they shall not at any time withdraw, excepting upon his or their compliance with the conditions following ; and at the same time that he or they so deposit such tolls and revenues, he or they shall furnish the Secretary of the Quebec North Shore Turnpike Trust with a statement of the amounts so received, the correctness of which statement shall be established by affidavits ;

Return to be
made.

2. To enable them to ascertain whether any diminution has taken place in the revenue of the Dorchester Bridge, the Turnpike Road Trustees shall prepare a Return at the end of every six months, to be attested by them under oath, shewing the revenues arising from tolls on the said Dorchester Bridge :

Indemnity to be
paid.

3. If it is ascertained by means of such return, that the revenues derived from the Dorchester Bridge, have diminished, the said William John Bickell or his representatives shall, within one month after the same has been ascertained, indemnify the said Turnpike Trust out of the funds which he or they shall have deposited in one of the Incorporated Banks of this Province, as hereinbefore prescribed, and after such payment he or they shall be at liberty to withdraw from the said Bank the balance of the said moneys he or they shall have so deposited during the preceding six months, the amount of the compensation payable in virtue of the said return being first deducted.

How it shall be
ascertained
whether the
revenue from
Dorchester
Bridge has or
has not been
diminished.

4. The revenues of the said Dorchester Bridge received by the said Turnpike Trust, during the course of one year to be computed from the first day of January, one thousand eight hundred and sixty-two, up to the first day of January, one thousand eight hundred and sixty-three, and in addition, the average amount of the annual increase of the revenue derived from the said Bridge as ascertained by a comparison of the revenue of each year, with that of the preceding year, for the ten years last past, as set forth in Schedule A annexed to the Act, containing a statement of the revenues of the said Bridge for the ten years last past, including the year one thousand eight hundred and sixty-six (the amount of the revenue for which

which year is not stated as it can only be ascertained in January next), shall be the basis upon which the revenues of future years shall be calculated ; Provided always, that in the event of any accident happening, or repairs requiring to be made to the said Dorchester Bridge, by means of which the traffic on the said Bridge is suspended, the said Turnpike Road Trust shall not be entitled to any indemnification for the period of time the traffic on the said Bridge shall continue interrupted, without the Trustees having provided any other accommodation for the said traffic.

14. It shall and may be lawful for the Quebec North Shore Turnpike Road Trustees, at any time within ten years after the completion of the said Bridge by the said William John Bickell or his representatives, to acquire the said Bridge and the works necessary and appurtenant thereto, by purchase, from the said William John Bickell or his representatives, at the actual cost of the said works, with seven per centum on such cost added ; and in case of dispute as to such cost, the same shall be determined by arbitrators in the same manner as the value of land taken under section two of this Act, and upon payment of the amount of costs so determined, with seven per centum added, the said William John Bickell or his legal representatives shall transfer the Bridge, works and tolls, and all other privileges by his Act conferred on him, to the said Quebec North Shore Turnpike Road Trust.

Turnpike Trust
may acquire
bridge, &c.

15. In the event of the said Quebec North Shore Turnpike Road Trust becoming the purchasers of the said Bridge, tolls, and privileges, they shall hold and enjoy the same, subject to the terms, rights, duties and obligations imposed by this Act, in the same manner as the said William John Bickell would hold the same.

And hold it
on terms of this
Act.

16. And it shall be lawful for the Trustees of the Quebec North Shore Turnpike Trust, in order to prevent parties from passing upon the roads under their control without paying tolls, to erect in the neighborhood of the Bridge authorized to be built by this Act, one check Toll-gate at which shall be taken the tolls fixed by law, the cost of such check Toll-gate and the wages of the keeper of the same, which shall not exceed four hundred dollars per annum, to be borne and paid to the said Trustees by William John Bickell or his representatives.

Turnpike Trust
may build
check-gates.

17. In the event of the said William John Bickell failing to comply with any of the requirements of this Act, contained in the fourth, fifth and thirteenth sections of the same, his charter shall be *ipso facto* forfeited ; and the said North Shore Turnpike Road Trustees shall have the right immediately to take possession of the said Bridge and become vested with all the rights of the said William John Bickell respecting the same.

Forfeiture for
non compliance
with provisions.

18. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE

SCHEDULE A.

Referred to in subsection four of section thirteen of this Act.

Statement of the amount of revenue of Dorchester Bridge from the year one thousand eight hundred and fifty-six to the year one thousand eight hundred and sixty-six.

Year.	Revenue.			Increase.	Reduction.	—
	£	s.	d.	£	£	
1856..	3,223	1	1	.....	.....
1857..	3,233	4	7	10	.....
1858..	3,452	1	8	219	.....
1859..	3,665	16	10	213	.....
1860..	3,654	11	3	.....	11	
1861..	3,590	2	3	.....	64	
1862..	3,999	4	3	409	.....
1863..	4,137	19	11	138	.....
1864..	4,482	8	4	345	.....
1865..	4,694	11	3	211	.....
1866..	.....			.....	.....
Total....				£1,545 75	£75	
				£1,470		

CAP. CIX.

An Act to incorporate the *Société de Passage du Pont Neuf de St. Hyacinthe*.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Joseph Cléophas Perrault, yeoman, of the parish of St. Hyacinthe le Confesseur, François Bélanger and Hypolyte Langelier, both yeomen, of the parish of Ste. Rosalie, Jean Baptiste Cadieux and Pierre Desparts Frédéric, also yeomen, of the parish of St. Dominique, Charles Maranda, yeoman, and Alfred Brien, trader, of the parish of St. Simon, in the district of St. Hyacinthe, acting in their capacity of directors of the company known as the *Compagnie de Passage du Pont Neuf de St. Hyacinthe*, have become proprietors of the bridge commonly called "Pont Neuf," on the River Yamaska, in the city of St. Hyacinthe, at the foot of Cascades street, with a house and other dependencies, by deed of retrocession made in their behalf by Charles L'Heureux, made and passed on the fifth of September, one thousand eight hundred and sixty-three, before Mtres. Blanchard and his Colleague, Notaries;

Notaries ; and whereas, for the purpose of working and maintaining the said bridge, they have, with others, formed themselves into a society under the name and style of *Société de Passage du Pont Neuf de St. Hyacinthe*, and it would greatly contribute to their interests as well as those of the public, if they were invested with certain corporate powers, and if an Act of incorporation was granted to them ; and whereas, in their petition to the Legislature, they have prayed for these powers and for the privilege of being incorporated ; and whereas it is expedient to grant the prayer of their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Alexis Richer, bailiff, Henry Barbeau, merchant, both of the city of St. Hyacinthe, Jean Baptiste Cadieux, Pierre Dupont and Antoine Casavent, yeomen, of the parish of St. Dominique, Joseph Robitaille, yeoman, of St. Hyacinthe le Confesseur, and Louis Lefebvre, yeoman, of the parish of St. Hugues, and their heirs, executors, curators and assigns, together with all such other persons as are now or shall at any time hereafter become shareholders in the said bridge, shall be and are hereby constituted and established a body corporate and politic in fact and in name, by the name of the *Société de Passage du Pont Neuf de St. Hyacinthe*, and they are hereby authorized to work and maintain the bridge commonly called " Pont Neuf," on the river Yamaska, at the foot of Cascades street ; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for keeping up and maintaining the said bridge, house and dependencies, according to the true intent and meaning of this Act ; and in all suits and other judicial proceedings, service of process upon the president of the said company, shall be held to be legal and sufficient.

Company incorporated.

Name.

Object.

Service of process.

2. The capital of the said company shall not exceed eight thousand dollars currency, and shall be divided into shares of the value of five dollars currency each ; provided always, that it shall be lawful for the president and directors of the company to increase the capital of the said company by the sum of eight thousand dollars, and the said shares shall be deemed personal and movable estate, and as such shall be transferable by sale or otherwise by the shareholders in the said company ; and any party acquiring one or several of the said shares shall, on the production of a copy of his deed of acquirement to the directors of the said company, to be deposited among the records of the said company, be considered as a shareholder in the said company, and shall enjoy all the privileges and advantages conferred upon and granted by this Act, to the other shareholders in the said company ; provided always, that no person who shall acquire any shares in the said company from a director thereof, shall be entitled to be a director in the said company,

Capital.

Provision for increasing it.

Shares and transfer.

Proviso as to directors.

Proviso.

company, without having been elected as such ; provided also, that no party who shall have acquired any share shall be considered as a shareholder until he shall have produced his deed of acquirement.

First general meeting.

Notice.

Election of Directors.

Making by-laws, their effect.

Votes.

Proxies.

Majority and casting vote.

Residence of Directors.

Election of President.

3. The first general meeting of the shareholders in the said company after its incorporation, shall be held in a house or place in the city of St. Hyacinthe, to be designated by the party calling the meeting, after the expiration of one month from the day of the passing of this Act of incorporation, of which meeting notice shall be given at the door of the church of the said city of St. Hyacinthe, by the said company, or by any of the shareholders appointed for that purpose ; and the said notice shall be read and posted up at the door of the church of the said city, and on the market place, and also at the doors of the churches of Ste. Rosalie, St. Simon, St. Hugues, St. Dominique and Notre Dame de St. Hyacinthe, on Sunday, immediately after divine service in the forenoon, at least eight days before such meeting, and shall state the day and hour at which such meeting shall take place ; at which meeting the shareholders present and the absent shareholders by their proxies, shall appoint a chairman and a secretary for such meeting, and shall choose among the said shareholders seven directors to manage the affairs of the said company, who shall only remain in office as directors until the first regular meeting of the shareholders hereinafter fixed ; and at the said first meeting, the shareholders present, and the absent shareholders by their proxies, may make and establish such by-laws, rules and regulations, not being inconsistent with the provisions of this Act, as they shall deem expedient for the management and government of the affairs of the said company, and the by-laws, rules and regulations shall be entered in a book to be kept for that purpose by the said company, and shall bind all parties interested in the said company as effectually as if they formed part of this Act, and shall be and remain in force until altered, amended, extended or repealed.

4. In all cases in which the votes of the shareholders of the said company shall be taken, the said votes shall be in proportion to the number of shares held by each shareholder in the stock of the said company, reckoning one vote for each share, and any shareholder, if he shall see fit, may vote by proxy ; and all questions shall be decided by the majority of votes, and in case of an equal division, the president shall have a casting vote ; the directors elected in place of those retiring, shall be residents in the same parishes as the directors they succeed in office.

5. The majority of the directors elected as aforesaid, shall, after each election of directors, elect one among themselves to be the president, who shall cease to be president at the next election, and also a secretary, who shall at the same time be the

the treasurer, but shall not be one of the directors ; and the said directors shall require good and sufficient security from the said secretary-treasurer, whom it shall be lawful for them to remove at their will and pleasure ; and the said directors so appointed, three of whom, including the president, shall form a quorum, shall exercise all the powers vested in them ; provided always, that no director shall have more than one vote at the meetings of the said directors, and in case of any equal division, the president shall have the casting vote ; and provided also, that the said directors shall conform to the orders and directions given to them by the shareholders at the general meetings of the said shareholders, in conformity with the rules and regulations of the said company.

Secretary-
Treasurer.

Proviso.

Votes of Direc-
tors.

Proviso.

* 6. After the first meeting to be held as aforesaid, a general meeting of the shareholders in the said company shall take place in the month of June in every year, in a house or place in the city of St. Hyacinthe, to be designated by the party who shall call the meeting, to choose and elect other directors in the place and stead of the directors going out of office, and also to transact the business of the said company, and to modify, amend, alter, repeal or extend the by-laws, rules and regulations of the said company, or to substitute others in lieu thereof, as may appear to them advantageous, which said meeting shall be called by notice at the door of each of the churches in the city of St. Hyacinthe, and of the parishes of St. Hyacinthe le Confesseur, St. Dominique, Ste. Rosalie, St. Simon and St. Hugues, after divine service on Sunday morning, eight days at least before such meeting ; and at all meetings of the said directors, or of the shareholders of the said company, the president of the said company, elected by the said directors, and in his absence, a chairman chosen by the majority of the persons present at such meeting, shall preside ; and the secretary-treasurer shall act as secretary at all meetings of the said shareholders ; provided always, that the directors going out of office may be re-elected, and after each election of directors, the said directors shall proceed as above mentioned, to elect a chairman of the said directors for the time during which they shall be directors.

Yearly general meetings
and for purposes.

Election of Directors.

Notices.

Who shall pre-
side.

Proviso : as to
re-election.

7. Any failure to hold the first general meeting, or any other meeting, or to elect such directors or president, shall not dissolve the said company, but such failure or omission shall and may be supplied by and at any special meeting to be called, as the directors, in conformity with the by-laws of the said company, may see fit to appoint, and until such election of new directors, those who may be in office for the time being, shall be and continue in office and exercise all the rights and powers thereof, until such new election be made as hereinbefore provided ; Provided always, that it shall be lawful at all times for any six of the shareholders in the said company, if they shall deem it necessary and expedient, to call a special meeting

Failure to hold
meeting how
supplied.

Special general meetings of
shareholders
after previous
notice.

meeting of all the shareholders at some house or place in the city of St. Hyacinthe, to be designated by the person who shall call the meeting, after having given notice thereof, and read and posted the same at the door of the church and at the market place of the said city, and also at the doors of the churches of Notre Dame de St. Hyacinthe, Ste. Rosalie, St. Simon, St. Hugues and St. Dominique, at least a fortnight before such meeting, and also after having given notice, in writing, of such meeting to the shareholders; which said notice shall state the purpose of such meeting, and the said meeting shall proceed to transact the business for which it shall have been called, in the same manner as at the annual meeting.

Further notice.

Auditors.

Removal of directors.

Replacing directors dying, &c.

Amending By-laws.

8. At any general meeting three auditors may be appointed to examine all accounts of moneys received and disbursed by the directors, and to report thereon to the shareholders; and it shall be lawful for the majority of the shareholders present, their heirs, executors, curators and assigns, at any special meeting, to remove any of the said directors and elect others in their stead; and it shall also be lawful for them to elect others in the room of any of the said directors who may die, resign or become incapable of acting through sickness or any other cause whatsoever; and to repeal, modify or amend any of the by-laws of the said company, and to enact others in lieu thereof, as they may deem most advantageous for the said company.

Calling in stock.

Proviso: amount of calls limited.

9. It shall be lawful for the said directors to meet at all times and at such meetings to direct such instalments to be paid on the shares as they shall require, in order to meet the expenses of the said company, and to reimburse those of the directors of the company, who, in the interests of the company, have made certain advances and have become personally responsible for the debts of the said company; provided, that no such instalment shall exceed two dollars currency for each share, and provided also, that no instalments shall be made payable within less than one month from each other; and no instalment shall be demanded unless eight days' notice thereof shall be given at the door of the church and on the market place of the said city of St. Hyacinthe, and at the doors of the churches of the parishes of Notre Dame de St. Hyacinthe, Ste. Rosalie, St. Simon, St. Dominique and St. Hugues, on a Sunday or holiday and market day, and unless eight days' notice, in writing, shall be given to the shareholders; and all such instalments shall be paid into the hands of the secretary-treasurer, at such times and places as shall be ordered by the said directors, under the restrictions above mentioned, and if any of the said instalments shall not be paid at the time appointed for the payment thereof, it shall be lawful for the president of the said company, in the name of the said company, to sue such shareholders as shall not have paid the amount

May be sued for if not paid.

amount of their instalments, before any court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the said company ; provided however, that all sums already paid by the shareholders, in compliance with the requirements of the by-laws and regulations in that behalf, made by the directors of the said company, since the month of June, one thousand eight hundred and sixty-three, shall be considered as a payment of the shares taken under this Act :

Proviso : as to sums already paid in.

2. And the shares of all such shareholders as shall be sued, and against whom judgment shall be recovered, shall be liable to seizure and sale for the satisfaction of the said judgments, in the same manner as their other goods and chattels, and as in ordinary actions ; provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the said company, (stating the number of shares,) and that he is indebted to the company in the sum of money to which the instalments in arrear shall amount, (stating the number and amount of such instalments,) whereby an action hath accrued to the company by virtue of this Act ; and it shall be sufficient to maintain the said action, to prove by one witness that the defendant at the time of making such call, was a holder of the number of shares mentioned in the declaration, and that a demand was made and notice thereof given, in conformity with the above mentioned requirements, or of any other by-laws which shall have been made for that purpose by the said company ; and it shall not be necessary to prove the appointment of the said directors, nor any other matter whatsoever, in order to obtain judgment in favor of the said company.

Shares liable to seizure in payment of calls.

Proviso : what only need be alleged and proved in action for calls.

10. It shall be the duty of the said directors to appoint as many agents, officers, keepers and servants, as they shall deem expedient for the interests of the said company, and to fix the salaries and remuneration of the said agents, officers, keepers and servants ; and to make all payments and contracts for the purposes of the said company, and all other matters necessary for the transaction of its affairs ; to answer in the name of the said company in all legal suits and actions, and plead to the same, and generally to do all things which they shall deem necessary and advantageous for the said company ; provided they shall not be in opposition to the by-laws of the said company, nor to this Act.

Directors to appoint officers, &c.

Other duties.

Proviso.

11. It shall be the duty of any person who shall cease to act as secretary-treasurer to the said company, to deliver over to the president thereof all books, papers, records, documents and other objects which he may have in his possession, belonging to the said company ; and on his neglect or refusal to deliver

Obligation of Secretary-Treasurer, going out of office.

May be sued for non performance.

deliver over the same on demand to the said president, he shall be liable to the said company in the sum of eight hundred dollars, and shall deliver up every article in his possession belonging to the said company, with costs; and it shall be lawful for the president, in the name of the said company, to sue for the recovery of the said amount, and the delivery of the said articles, before any Court of Justice of competent jurisdiction.

Power to use land on either side of the river.

12. For the purpose of maintaining and supporting the said bridge, the said company shall, from time to time, have full power and authority to take and use the land on either side of the said River Yamaska, and there to work up, or cause to be worked up, the materials and other things necessary for maintaining or repairing the said bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid.

Bridge and appurtenances vested in the Company.

13. The said bridge, the house and dependencies, and also the ascents or approaches to the said bridge, and all materials which shall be from time to time found or provided, for maintaining and repairing the same, shall be vested in the said company for ever.

Punishment of persons interrupting or disturbing the Company.

14. If any person shall interrupt or disturb the said company, or any person or persons employed by them for repairing the said bridge, the way over the same, or any road or avenue leading thereto, every person so offending, in each of the cases aforesaid, shall, for every such offence, forfeit a sum not exceeding eight dollars currency, or be imprisoned for a period not exceeding ten days in the common gaol of the district, such sum to be recovered or such imprisonment awarded before or by any two Justices of the Peace for the district of St. Hyacinthe, according to law.

Wilfully injuring the Bridge to be felony.

15. If any person shall maliciously pull down, burn, destroy or injure the said bridge, or any part thereof, or the house or other dependencies, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

Penalties how recovered and levied.

16. The penalties hereby inflicted shall be recovered upon proof of the offence respectively, before any one or more of the Justices of the Peace for the said district of St. Hyacinthe, either by the confession of the offender or by the oath of one or more credible witness or witnesses, (which oath any such Justice is hereby empowered and required to administer,) and shall be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels; and one half of

Application of penalties.

of such penalties, respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

17. Nothing in this or any other Act contained shall be construed to make or render any shareholder of the said company individually liable or responsible for any debts, losses or engagements of the said company, beyond the amount of his or her share or shares in the said company.

Liability of shareholders limited.

18. The said company to entitle themselves to the benefits and advantages by this Act granted, shall, and they are hereby required to repair and maintain the said bridge, house and dependencies, within three months from the day of the passing of this Act, and to keep the same in good repair thereafter ; and if the same shall not be repaired within the term last mentioned, so as to afford a convenient and safe passage over the said bridge, or if the said bridge after it shall have been repaired, shall at any time become impassable and unsafe for travellers, cattle or carriages, then if the said bridge shall, by Her Majesty's Court of Queen's Bench, in and for the district of St. Hyacinthe, on an indictment brought and found to that effect (as it may be) against any one or more of the directors for the time being personally, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court be given, the said company shall cause the same to be made safe and commodious for the passage of travellers, cattle and carriages, within the time fixed by the said Court for that purpose, and if within such time the said bridge is not repaired, as the case may require, the Court by its order shall cause the bridge to be closed, and stop the passage of the public thereon.

Company to keep the bridge in good repair, if not they may be indicted and the passage over the bridge stopped by order of Court.

19. The directors of the company shall have power to cause an account to be rendered by all persons who have acted as president or directors, or been employed by the company or by the directors of the said company before the passing of this Act, and who have been intrusted with the management of the affairs of the said company since the eighth day of June, one thousand eight hundred and fifty-two, and to institute against such persons such proceedings as they may deem necessary for that purpose, and to secure the prompt and complete payment of the amounts due by such persons.

Directors may cause account to be rendered by former Directors.

20. Nothing in this Act contained shall affect the rights and privileges of Charles L'Heureux, the younger, or his representatives, for the building of a bridge over the said River Yamaska, at the foot of the cascade, either under any charter or Act granting such privilege, or under any deed or contract made with the owners of the new bridge mentioned in this Act, or any other persons ; but all such rights and privileges shall remain in force as if this Act had not been passed.

Rights of Charles L'Heureux, the younger, saved.

21. This Act shall be deemed a Public Act.

Public Act.

C A P .

C A P . C X .

An Act to incorporate the Steel, Iron and Railway Works Company, (Limited).

[Assented to 15th August, 1866.]

Preamble.

Recital of.

Letters Patent
dated 27th day
of July, 1865.Granted to
Hugh Baines :And of Inden-
ture, dated 17th
January 1866,
between Hugh
Baines and
others, to form
a Company for
purposes there-
in mentioned.

WHEREAS Hugh Baines, claiming and representing himself to be the original inventor and discoverer of a new and useful machine for making Railroad points, and for bracing the heels of the points with steel, as also the ends of all Railroad rails, and being desirous of obtaining Letters Patent to be issued to him securing to him within the Province of Canada the benefits of the said invention, did for that purpose duly deposit in the office of the Minister of Agriculture in pursuance of the provisions of the Statute of the Province of Canada, intituled: *An Act respecting Patents for Inventions*, a full description and specification and drawing of the said invention; And whereas, by Letters Patent under the Great Seal of the Province of Canada, dated the twenty-seventh day of July, in the year of our Lord one thousand eight hundred and sixty-five, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention and discovery, were granted to the said Hugh Baines, his heirs, lawful representatives and assigns, for the term of fourteen years from the date of such Letters Patent; And whereas, the said Hugh Baines, and the several other parties hereinafter named, by an Indenture duly executed by and under their respective hands and seals, bearing date the seventeenth day of January, in the year of our Lord, one thousand eight hundred and sixty-six, have mutually agreed among themselves and with each other, to form themselves into a company and for that purpose to apply to the Legislature for a special Act incorporating them as a Company, for the purpose of making Railroad crossing points, and of putting steel ends or sections on Railroad rails in the manner contemplated by the said recited Letters Patent, and of purchasing from the said Hugh Baines and others, such other patent rights and of working thereunder as may appear to be desirable, and of doing such general steel, iron and other work as shall be deemed advantageous; And whereas, for that purpose they have agreed to subscribe and have subscribed among themselves the capital sum of one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, of which only four hundred and fifty shares amounting to forty-five thousand dollars, are by the said Indenture appropriated among the several parties thereto in certain shares therein mentioned; and by the said recited Indenture it is provided that the residue should be issued at such times as the said Company, when duly constituted, should from time to time direct, to and among the several parties to the said recited Indenture, being the parties hereinafter named and their legal representatives, rateably according to

to the respective amounts by them subscribed for under the said recited Indenture, towards the raising and taking up the said sum of forty-five thousand dollars; and whereas, it was by the said recited Indenture among other things provided, that as part of the consideration to be paid to the said Hugh Baines, for an assignment by him of the said recited Letters Patent, and the exclusive privilege thereby granted and of all right to Letters Patent and like privileges for the said invention within the British North American Provinces, there should be allotted and given to the said Hugh Baines one hundred and twenty-five shares, amounting to twelve thousand five hundred dollars, in the said capital stock of the said Company, which should not be liable to any call or demand, but should be deemed and taken to be fully paid-up shares, and as such the same were accepted and taken by the said Hugh Baines in payment of the said sum of twelve thousand five hundred dollars; and whereas, it was by the said Indenture provided and agreed, that the said several parties thereto, other than the said Hugh Baines, should pay the respective sums by them subscribed towards raising the said sum of forty-five thousand dollars, part of the said capital stock, in four equal payments of twenty-five dollars each, at the days and times and in manner following, that is to say: twenty-five dollars for each and every share immediately upon the execution of the said recited Indenture, and twenty-five dollars for each and every share on the fifteenth day of April, the first day of June, and the fifteenth day of August next after the date of the said recited Indenture; and whereas, it was by the said recited Indenture provided, that if the said proposed Company should be duly incorporated before the whole of the said instalments should be paid in the manner by the said recited Indenture provided, the same or such of them as should then remain unpaid should be payable and paid to the said Company on the respective days aforesaid named next ensuing the complete constitution and formation of the said Company as a corporation, and that all such of the said instalments as should be overdue and unpaid at the time of the complete incorporation of the said Company, should be forthwith payable and paid to the said Company when demanded by the said Company; and whereas, by another Indenture bearing even date with the said recited Indenture, the said Hugh Baines, did grant, bargain, sell, assign and transfer unto John Lang Blaikie and William Alexander, of the City of Toronto, Esquires, their executors, administrators and assigns, all those the said invention and Letters Patent and all other patents and privileges for the monopoly or exclusive use or exercise of the said invention which might thereafter be obtained for the said invention within the said Province of Canada, or any of the British Provinces in North America, and the full and exclusive benefit and advantage thereof respectively and all extensions of such Letters Patent or other privileges for or in respect of the said invention, and all rights, authorities, privileges, advantages, profits, emoluments and benefits of the said invention, Letters Patent

And of an Indenture of even date with the said recited Indenture, whereby the said Hugh Baines assigned the said Letters Patent of invention to John Lang Blaikie and William Alexander.

Upon certain trusts.

And of Letters Patent of 23rd Jan., 1866.

Granted to Hugh Baines.

And of indenture dated 14th May, 1866, of assignment of said Letters Patent by Hugh Baines to John Lang Blaikie, and William Alexander.

Patent and premises or any of them, in anywise appertaining or belonging, and all the right, title, interest, term and terms of years, benefit, property, advantage, claim and demand whatsoever of the said Hugh Baines in, to or upon the said invention, Letters Patent and premises or any of them; to have, hold, exercise and enjoy the said invention within the said British North American Provinces, and the Letters Patent and premises, unto and by the said John Lang Blaikie and William Alexander, their executors, administrators and assigns, upon trust however to and for the absolute use and benefit of the several parties to the said recited Indentures according to the shares and interest therein expressed, until the formation by the said several and respective parties of a Company to be constituted by Act of Parliament for working under the said Letters Patent and for other purposes, and after the constitution and formation of such Company then upon trust for the absolute use and benefit of such Company, their successors and assigns, and upon trust to assign and transfer the same unto and to the use of such Company, their successors and assigns; and whereas, the said several parties to the said recited Indentures, other than the said Hugh Baines, have paid respectively the sum of fifty dollars for each and every share by them respectively subscribed towards raising the said sum of forty-five thousand dollars, and in pursuance of the provisions in the said recited indentures in that behalf contained; and whereas, the said Hugh Baines claiming to be the original inventor and discoverer of a certain other invention or discovery called "a new, useful and easy Railroad track," hath procured Letters Patent under the Great Seal of the Province of Canada, bearing date the twenty-third day of January, one thousand eight hundred and sixty-six, to be granted to him, whereby the full and exclusive right and liberty of making, constructing, using and vending to others to be used, the said last mentioned invention or discovery within the Province of Canada were granted to the said Hugh Baines, his heirs, lawful representatives and assigns, for the term of fourteen years from the date of such Letters Patent; and whereas, by another Indenture bearing date the fourteenth of May, one thousand eight hundred and sixty-six, and made by and between the same parties as the parties to the said recited Indentures, the said Hugh Baines for the considerations therein mentioned did among other things grant, bargain, sell, assign, transfer and set over unto the said John Lang Blaikie and William Alexander, their executors and administrators, all those the said invention mentioned in the said Letters Patent, bearing date the twenty-third day of January, one thousand eight hundred and sixty-six, together with the said Letters Patent and the full and exclusive use, benefit and advantage thereof, with the like benefit of all future and other Letters Patent, or like privileges for the same invention to be granted within the Province of Canada or any part of the British North American Provinces, and all extensions of such Letters Patent or other privileges for or in respect of the said invention, and

all

all rights, powers, authorities, privileges, advantages, profits, emoluments and benefit of the said invention, Letters Patent, and premises, or any of them, in any wise appertaining or belonging, and all the right, title, interest, term and terms of years, benefit, property, advantage, claim and demand whatsoever of the said Hugh Baines of, in, to or upon the said invention, Letters Patent and premises or any of them, to have, hold, use, exercise and enjoy the said invention within the British North American Provinces, and the said Letters Patent therefor, bearing date the twenty-third day of January, one thousand eight hundred and sixty-six, granted within the said Province of Canada, and the term of years thereby granted unto and by the said John Lang Blaikie and William Alexander, their executors and administrators; upon trust, however, to and for the absolute use and benefit of the several parties to the said Indenture now in recital, according to the shares and interests expressed therein, and in the said Indenture, bearing date the seventeenth day of January, one thousand eight hundred and sixty-six, until the formation of the Company in the said recited Indenture mentioned, when constituted by a special Act of Parliament or otherwise; and after the constitution and formation of such Company, then upon trust for the absolute use and benefit of such Company, their successors and assigns, and upon trust to assign and transfer the same unto and to the sole use of such Company, their successors and assigns; And whereas it was by the said Indenture, bearing date the fourteenth day of May, one thousand eight hundred and sixty-six, provided, that for the purpose of enabling the Company (when formed) to fulfil the objects of the said Indenture, the original capital stock of the said Company should be increased to and should consist of the sum of one hundred and fifteen thousand dollars: And whereas the said several parties to the said recited Indentures, being the parties hereinafter named, have, by their petition, represented and satisfactorily established and proved the several matters and things above recited, and have prayed that they may be incorporated for the purposes by the said recited Indentures contemplated and hereinafter contained; and it is expedient that such prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Upon like trusts aforesaid.

Recital of agreement to increase capital stock to sum of \$115,000, for certain purposes.

Petition of the several parties to the indentures, praying to be incorporated as a Company.

1. Hugh Baines, John Lang Blaikie, William Alexander, John Macdonald, the Honorable George Brown, John Wellington Gwynne, James Campbell, John Fiske, Vernon Eaton Carpenter, Thomas Lailey, John S. Playfair, David Morrice, and James Scott, the several and respective parties to the said recited Indentures, together with all such other persons as shall, under the provisions of this Act, become shareholders in the Company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Steel, Iron, and Railway Works Company (Limited)."

Hugh Baines and others incorporated as a Company, under the name of the Steel, Iron and Railway Works Company, limited.

The Company shall hold and enjoy the patents, rights and Letters Patent granted to said Hugh Baines and by him assigned to John Lang Blaikie and William Alexander, in trust aforesaid.

And any other Patent rights whatever, for like purposes.

And the Company may hold lands not exceeding ten acres in any one place.

For exercising such Patent rights.

2. By virtue of this Act the said Company shall become possessed of and shall and may hold and enjoy, to their own use and benefit, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used, the several and respective inventions and discoveries mentioned in the said several and respective recited Letters Patent, bearing date respectively the twenty-seventh day of July, in the year of Our Lord one thousand eight hundred and sixty-five, and the twenty-third day of January, one thousand eight hundred and sixty-six, granted to the said Hugh Baines, and so, as herein aforesaid, assigned to the said John Lang Blaikie and William Alexander, in trust for the said Company when incorporated, and in virtue thereof shall and may, to their own exclusive use, until the expiration of the several and respective terms by the said several and respective Letters Patent granted, or any extension thereof respectively which may hereafter be granted, make and construct Railroad Crossing Points, and put or fit steel ends or sections on railroad rails, in the manner contemplated by the said recited Letters Patent, bearing date the twenty-seventh day of July, one thousand eight hundred and sixty-five, and shall and may, in like manner, make, construct and vend to others to be used, the said new, useful and easy Railroad Track, according to the plan and specifications mentioned and referred to in the said Letters Patent, bearing date the twenty-third day of January, one thousand eight hundred and sixty-six, and may from time to time acquire by purchase or transfer from the said Hugh Baines, or any other person or persons, such other Patent rights relating to improvements and inventions in general Steel, Iron, and other Railway Works, as may have already been or shall hereafter be granted, within the Province of Canada, to the said Hugh Baines, or such other person or persons respectively, as the said Company shall be desirous of acquiring to their own use; and shall and may acquire and hold, by purchase, lease, or other legal title, such lands and tenements, not exceeding ten acres at any one place, and may construct, maintain, erect and keep such buildings, erections and other improvements thereon, and from time to time sell and dispose of the same and acquire others in their stead, as the Company shall find to be for its advantage, or convenient or necessary for the purpose of constructing and making the several works, articles, improvements and things by the said respective Letters Patent, bearing date respectively the twenty-seventh day of July, in the year of our Lord one thousand eight hundred and sixty-five, and the twenty-third day of January, in the year of our Lord one thousand eight hundred and sixty-six, contemplated to be constructed and made by the use of the respective inventions or discoveries thereby patented, or for the purpose of constructing and making the several works, articles, improvements, and things contemplated by any Letters Patent touching exclusive privileges which the Company shall, under the powers herein contained, at any time hereafter acquire, and may vend all such works, articles, improvements

improvements and things to their own exclusive use during the term of such respective Letters Patent granted or to be granted, or during any extension thereof, and may empower others to vend, within such limits as the Company may from time to time prescribe or agree upon, the works, article and things, to be so constructed by the Company; and may grant, bargain, sell, assign, and transfer to others the whole or such part of the privileges, by such respective Letters Patent granted, as to the Company shall from time to time seem fit, and may make, lay down, construct, execute and perform all such works, acts, deeds, matters and things whatsoever for the purpose of testing or of demonstrating the value of any invention, new discovery or improvement, in respect of which any Patent rights or exclusive privileges have been or may be granted, or may be about to be applied for, within the Province of Canada, and which Patent rights or exclusive privileges the Company shall have at any time acquired, or may contemplate acquiring; and may make, contract for, do, and execute all such other general steel, iron and other railway work as to the Company shall seem fit; provided, that this Act shall not confer any other or greater rights or privileges than are conferred by the said Letters Patent herein recited under the general Patent law of the Province.

Selling rights
under Letters
Patent.

3. The original capital stock of the Company shall be the sum of one hundred and fifteen thousand dollars, divided into one thousand one hundred and fifty shares of one hundred dollars each; but the Directors of the Company, if they see fit, at any time after the whole of the said original capital stock shall have been allotted, and so from time to time, after all the previously authorized capital shall have been allotted, may make a By-law, and from time to time By-laws, for increasing the capital stock of the Company to an amount not exceeding one million of dollars; but no such By-law shall have any force or effect whatever until after it shall have been sanctioned by a vote representing not less than two-thirds the amount held by all the shareholders attending in person, or by proxy, at an annual general meeting of the Company, or at a general meeting of the Company duly called for the purpose of considering such By-law.

Original capital-
Stock to be
\$115,000 in
1150 shares of
\$100 each.

Increase of
capital to any
amount.

By two-third
vote of share-
holders.

4. Every By-law for increasing the capital stock of the Company shall declare the number and value of the shares of the new stock, and shall prescribe the manner in which the same shall be allotted and paid in; or in default thereof, the control of such allotment shall be held to vest absolutely in the Directors of the Company, who may allot such stock in such amounts, to such persons and in such manner, and from time to time make such calls upon such stock, as to the said Directors shall seem fit.

Form of by-
laws for increas-
ing capital
stock.

5. The Directors shall allot to the several parties, subscribers to the forty-five thousand dollars mentioned in the said recited Indenture,

Mode of ballot-
ment of stock
mentioned in

recited Indenture of 17th January, 1866.

Indenture, bearing date the seventeenth day of January, one thousand eight hundred and sixty-six, the residue of the said sum of one hundred thousand dollars in that Indenture mentioned, in shares proportionate to the several and respective shares of the said forty-five thousand dollars subscribed by them respectively; provided always, that if any of such subscribers, or their respective legal personal representatives, decline or neglect to accept and take such stock when allotted to them as subscribers to the same in the books of the Company, in such manner as shall be provided by a By-law of the Company to be passed in that behalf, or as shall be required by the Directors in the absence of a By-law, such stock shall be disposed of in such manner as by such By-law shall be provided, or as the Directors, in the absence of a By-law, shall think fit; and the said sum of fifteen thousand dollars stock in the said Company, mentioned in the said Indenture bearing date the fourteenth day of May, one thousand eight hundred and sixty-six, shall be allotted to and for the purpose, and in the manner in that Indenture provided, and to and for no other purpose whatsoever.

And of the \$15,000 under Indenture of 14th May, 1866.

Manner in which unpaid subscriptions of stock subscribed for by Indenture of 17th January 1866, may be recovered.

Allegations and proof in such actions.

6. The respective amounts of the instalments of the forty-five thousand dollars, part of the capital stock of the Company, by the said hereinbefore recited Indenture, bearing date the seventeenth day of January, one thousand eight hundred and sixty-six, declared to be payable on the first day of June, and the fifteenth day of August, one thousand eight hundred and sixty-six, shall immediately upon the arrival of such respective days become and be payable, and shall be paid to the Directors of the Company by the respective parties liable to pay any such instalments, or in default thereof the Company may enforce payment thereof with interest thereon, at the rate of six per centum per annum from the said respective days, by action in any competent Court; and in such action it shall be sufficient to allege or declare that the defendant is the holder of one or more of the original shares of the Company (stating the number of shares) and that he is indebted to the Company in respect of such shares in the amount sought to be recovered for instalments which became payable on the first day of June, one thousand eight hundred and sixty-six, and the fifteenth day of August, one thousand eight hundred and sixty-six (both or one of them, as the case may be), and interest thereon, whereby an action hath accrued to the Company to recover the said amounts or amount with interest; and a certificate under the seal of the Company, purporting to be signed by any officer of the Company, to the effect that the defendant is an original shareholder of the Company, and that he is indebted in an amount, in the said certificate to be named, in respect of the instalments upon the original shares held by him in the capital stock of the Company, payable on the first day of June, one thousand eight hundred and sixty-six, or the fifteenth day of August, one thousand eight hundred and sixty-six, together with interest

on such instalments from said respective dates, shall be received in all Courts of law as *prima facie* evidence of the Company's right to recover in such action.

7. Subject to such alteration and provision as shall or may be made by any By-law of the Company at any time hereafter to be passed, the affairs of the Company shall be administered by a Board of not less than three nor more than five Directors, being severally the holders of at least one thousand dollars in the capital stock of the Company, and not in arrears to the Company for any call made in respect of any stock held by them in the Company; such Directors shall be elected annually upon the first Tuesday in April in each year, or such other day as shall be appointed by By-law for holding the annual general meetings of the Company; and unless and until otherwise provided by By-law, all the Directors shall retire annually, but, if otherwise qualified, may always be re-elected; and three Directors, unless and until otherwise provided by By-law, shall form a quorum of the Board; and in case of the death, resignation or disqualification of any Director, the continuing Directors, if they see fit, may fill the vacancy until the next annual meeting by appointing any qualified shareholder thereto, but a failure to elect Directors, or any failure of Directors, shall not dissolve the Corporation, and an election may be had at any general meeting of the Company called for the purpose; and except in the case of death, resignation or disqualification, all Directors shall remain in office until their successors shall be appointed.

Boards of Directors to be not less than three, nor more than five.

Qualification of Directors.

Period of election.

Failure of Election not to dissolve the corporation.

8. The said Hugh Baines, John Lang Blaikie, the Honorable George Brown, John Fiske, and John Macdonald, shall be and are hereby declared to be the first Directors of the Company, and they shall continue in office until the election of Directors shall be had under this Act, and while Directors shall have and exercise all the powers by this Act vested in Directors of the Company.

First Directors of the Company.

9. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and to make or cause to be made for the Company any purchase and any description of contract which the Company may by law make or enter into, and may from time to time make By-laws not contrary to law and not inconsistent with or repugnant to anything in this Act contained, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock, and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the constitution of the Board of Directors, the number of Directors, their term of service and mode of retiring, the amount of their stock qualification, the appointment, functions, duties and removal of Directors, and all agents, officers

Powers of Directors to make By-laws.

officers and servants of the Company, the security to be given by any agents, officers, or servants of the Company, their remuneration, and that (if any) of the Directors, by by-law, subject to the approval of the shareholders at a general or special meeting, the time and place for holding the annual general meetings of the Company, the places or place where the business of the Company shall be conducted and the place where the principal office or seat of business shall from time to time be held and established, the calling of meetings general and special of the Board of Directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures, admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company, and may from time to time repeal, amend or re-enact such By-laws or any of them; but every such By-law and every repeal, amendment or enactment thereof, unless in the meantime confirmed at a general meeting of the Company specially called for the purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat shall from that time only cease to have force; and every copy of any By-law under the seal of the Company and purporting to be signed by any officer of the Company shall be received in all Courts as *prima facie* evidence of such By-law.

Proviso: confirmation of By-laws.

Proof.

Stock to be personal estate and how transferable.

10. The stock of the Company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions as by the By-laws of the Company shall be prescribed.

Calls on stock.

11. The Directors of the Company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed, at such times and places and in such payments or instalments as the By-laws of the Company may require or allow; and interest at the rate of six per centum per annum shall accrue and fall due upon the amount of any unpaid call from the day appointed for the payment of such call.

Company may recover calls by action.

What sufficient to be alleged and proved in such action.

12. The company may enforce payment of all calls and interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company to recover the amount of the calls sued for with interest, and a certificate under the seal of the company, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder and that an amount named in such certificate is due by him and unpaid thereon, shall be received in all Courts of Law or Equity as *prima facie* evidence to that effect.

13. If after such demand or notice as by the By-laws of the company may be prescribed, any call to be made on any share or shares be not paid within such time as by such By-laws may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts and duly recorded in the minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by any By-law in that behalf may be provided, or in the absence of such By-law, as the Directors shall think fit and direct.

Forfeiture of shares for non-payment of calls.

14. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company, or shall be eligible as a Director thereof.

Shareholders in arrear ineligible as Directors.

15. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand, or of his legal personal representative, in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not to be bound to see to any Trust.

16. Shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, transaction, matter, or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Shareholders not responsible beyond the amount of their Shares.

17. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any director, agent, officer or servant of the company, in accordance with their powers as such, under the By-laws of the company, shall be binding upon the company; and it shall not be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, nor shall such director, officer, agent or servant, thereby become individually liable to any third party therefor; but it shall not be lawful or competent for the said company to issue any note intended to circulate as money.

In what form contracts shall be binding upon the Company.

Not to issue bank-notes.

18. The several covenants contained in the several and respective hereinbefore recited indentures, bearing date respectively the seventeenth day of January and the fourteenth day of May, one thousand eight hundred and sixty-six, and made by and between the said Hugh Baines and the said John Lang

The covenant in the said indenture between Hugh Baines and John Lang

Blaikie

William Alexander shall enure to the benefit of and be binding upon the Company.

Blaikie and William Alexander, shall respectively enure to the benefit of and be binding upon the said company, and from henceforth the same shall be treated as if the said company had been incorporated at the time of the execution of the said respective indentures, and as if the covenants therein respectively contained had respectively been made with and by the said company, and as if the said company were the parties thereto, in the place and stead of the said Trustees, John Lang Blaikie and William Alexander; and the said company may hereafter sue and be sued in respect of any such covenants, as if the said company were parties to the said respective indentures, in the place and stead of the said Trustees, John Lang Blaikie and William Alexander; and in any action, suit or proceeding, at law or in equity, which shall hereafter be instituted by or against the said company, in respect of any of such covenants, or for any breach thereof, it shall be sufficient to declare and allege that the said covenants respectively were made with or by the said company, and the production or other legal evidence of the said respective indentures shall be evidence thereof for and against the said company; and the said John Lang Blaikie and William Alexander, and each of them, is hereby released from all actions, causes of action, suits, claims and demands whatsoever, to be brought against them or either of them, personally, for any breach of the said respective covenants made by them in their capacity of Trustees aforesaid; and to any action or suit, if any shall be brought against them or either of them, their or either of their personal representatives, for any matter other than the recovery of their respective subscriptions of stock, the defendants or defendant of such action may plead a release by the plaintiff of such action and suit in bar thereof, and may give this Act in evidence thereof; provided always, that both the said company and the said trustees shall be and continue liable for all debts, contracts and engagements now existing or which may have been entered into before the passing of this Act; but the said Trustees shall be indemnified by the said company for any liabilities incurred by them in respect thereof.

Proviso.

Contracts made in pursuance of the said Indentures to be binding on the Company.

19. All contracts made and entered into by and with the said John Lang Blaikie and William Alexander, under the provisions of the said recited indenture, bearing date the seventeenth day of January, one thousand eight hundred and sixty-six, in furtherance of the objects of that indenture, shall enure to the benefit and be binding upon the said company; and the said company shall sue and be sued upon or in respect of any such contract as if the said company had been incorporated at the time of such contract being entered into, and as if the same respectively had been made and entered into by and with the said company.

Public Act.

20. This Act shall be deemed and taken to be a Public Act.

C A P. C X I.

An Act to incorporate The Canadian Rubber Company of Montreal, or La Compagnie Canadienne de Caoutchouc de Montréal.

[Assented to 15th August, 1866.]

WHEREAS Joseph Barsalou, James Benning, John Pratt, Peter S. Murphy, William Moodie, Amable Prévost, Adolphe Roy, Francis Scholes, William Learmont and William D. B. Janes, have petitioned for the incorporation of themselves and others, as the Canadian Rubber Company of Montreal, and it is expedient to grant their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The aforesaid persons and all others who shall become shareholders in the said Company, shall be and are hereby constituted a body politic and corporate, by the name of "The Canadian Rubber Company of Montreal," or "La Compagnie Canadienne de Caoutchouc de Montréal," and either of these names shall be held to be the corporate name of the Company, and a good designation thereof.

Incorporation and corporate name.

2. The Company may carry on business of manufacturing goods and fabrics of all descriptions into the composition of which India Rubber or Gutta Percha enters or of which either India Rubber or Gutta Percha forms part, and also such other goods of other materials and descriptions as are or may be used in or connected with the manufacturing of such goods or fabrics.

What business the Company shall carry on.

3. The Company may acquire by purchase, lease or otherwise, and may hold absolutely or conditionally, any lands, tenements, real or immovable estates, for the convenient conduct and management of their business, including water and other motive powers, not exceeding the yearly value of twenty thousand dollars, and may sell, alienate, mortgage, (*hypothéquer*,) let, release and dispose of the same from time to time, and may acquire others not exceeding at any time the value aforesaid.

What real property the Company may hold.

4. The Capital Stock of the said Company shall be the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be held to be personal estate ; provided always that the said capital stock may be increased from time to time to one million dollars, by sums of not less than fifty thousand dollars at each time, such increase in every case to be authorized by a vote of not less than two-thirds of the shareholders of the Company, which

Capital and shares.

Provision for increase.

which may be passed at any meeting of the shareholders specially convened for the purpose, or at any meeting in the notice convening which, it shall be stated that it is proposed to increase the capital.

Company not to commence business until all the capital is subscribed and 50 per cent paid up.

5. The Company shall not establish any manufactory whatsoever, until the whole capital stock to the extent of the said sum of two hundred thousand dollars shall have been *bond fide* subscribed for, nor until an amount equal to fifty per cent on the said sum of two hundred thousand dollars shall have been paid up by the shareholders, and placed at the disposal of the Directors, for the purpose of carrying out the objects for which the Company has been incorporated.

First Directors and their powers.

6. The said Joseph Barsalou, John Pratt, James Benning, Adolphe Roy, and William Moodie, shall be the Directors of this Company, until a choice of Directors, by election of the shareholders, shall take place in the manner hereinafter prescribed, and they shall have power to open books for the subscription of shares, and to make and collect calls thereon, and they shall call a meeting of the subscribers of shares, by notice in the manner hereinafter mentioned; and until such election the said Joseph Barsalou shall be President and the said William Moodie Vice-President of the Company.

Opening subscription books.

7. The Directors may take all necessary means for the opening of subscription books, and may receive the subscription of persons desirous of becoming shareholders in the Company, and may allot to such persons the number of shares that each or any of them shall have in the capital of the Company.

Certain sections of 27, 28 V. c. 23, incorporated with this Act.

8. The following sub-sections of the fifth section of chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, to authorize the granting of charters of incorporation to manufacturing, mining and other companies, shall be incorporated with and form part of this Act, that is to say, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, and thirty-third sub-sections thereof.

Books open to Directors only.

9. All the books and papers of the Company shall at all business hours be open for the inspection of the Directors, but at no time shall a stockholder not being a Director, be entitled to have access to the same, except under a judgment of a Court of competent jurisdiction, or under a subpoena issued in due course of law.

Company may divide their business into departments.

10. The business of the Company may be divided into and managed by separate Departments, distinguished by the particular nature of the business which may be carried on in each,

or

or otherwise, as may be judged most expedient; and the Company may employ superintendents, managers, agents and servants for one or more of such Departments, at their pleasure, and may agree to remunerate them, in whole or in part, by a percentage on the net profits of any particular Department towards which such services may be rendered, or generally, as the Directors see fit, without thereby causing such superintendents, managers, agents or servants to incur any personal liability for the debts of the Company, or to be in any manner held to be partners therein.

May employ managers, &c.

May pay them a percentage on net profits, &c.

11. The principal office of the said Company which shall be considered its chief place of business, shall be in the city of Montreal, and any service of process made at that office or upon the President of the Company in person, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Chief place of business.

12. This Act shall be deemed a Public Act.

Public Act.

CAP. CXII.

An Act to amend the Act passed in the twenty-sixth year of Her Majesty's reign, chaptered fifty-nine, intituled: *An Act to incorporate the St. Lawrence Tow-Boat Company.*

[Assented to 15th August, 1866.]

WHEREAS the St. Lawrence Tow-Boat Company have, by petition, prayed for certain amendments to their Act of Incorporation, twenty-sixth Victoria, chapter fifty-nine, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

26 V. c. 59.

1. The words "and it shall be lawful, by a majority of votes of shareholders, at a special meeting to be called for that purpose, to displace all or any of the Directors, and to elect others in their stead," in the last clause of the fifth section of the aforesaid Act, are hereby repealed.

Sect. 5 of the said Act amended: special meetings.

2. The words "shall have the right, if they see fit, to appoint auditors to examine and report thereon at an adjourned meeting," at the end of the eleventh section of the aforementioned Act, are hereby repealed, and the following words substituted: "shall appoint two auditors for the ensuing year, who shall be shareholders, and shall audit the books every three months, and present their report at the annual meeting of the shareholders."

Sect. 11 amended.

Auditors.

3. The thirteenth section of the aforementioned Act is hereby repealed, and the following substituted: "It shall not be lawful
"at

Sect. 13 replaced by a new section.

Quorum at
meetings.

“ at any meeting of the shareholders to transact any business,
“ unless at least fifteen in number of the members, possessing
“ at least one-third in amount of the Stock, shall be present or
“ duly represented.”

Public Act.

4. This Act shall be deemed a Public Act.

C A P . C X I I I .

An Act to incorporate certain persons under the name
of “ The St. Lawrence Navigation Company.”

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Honorable Louis Renaud, Charles Séraphin Rodier, Maurice Cuvillier, George Tate, John McMartin, and François Xavier Anselme Trudel, all of the City and District of Montreal; Louis Hainault and Ulysse J. Robillard, of the Town and District of Beauharnois; and Alexander Stickler, of Lancaster, in Upper Canada, have, by their petition, represented that an Association was formed in the City of Montreal, in the month of February last, under the name and style of “ The Saint Lawrence Navigation Company,” in and to which, with other persons, they had become shareholders and subscribers, with the view of promoting the public interest, by building vessels, wharfs and landing places, and by establishing throughout the whole course of the River Saint Lawrence and on the Lakes communicating therewith, as well as on each of the tributaries of the said River, a line of Steamboats, for the transport of freight and passengers, and for the towage of vessels between different ports situated on the Saint Lawrence and its tributaries, and on the said Lakes, and especially between Cornwall and Montreal, and for every other purpose relating to the inland navigation of this Province;

And whereas the trade between the cities and towns on the shores of the great Western Lakes and Montreal has acquired an importance which is constantly increasing, and it is expedient to facilitate the extension of that trade by the incorporation of a Navigation Company having the powers and organization hereinafter described;

And whereas the object of the said Saint Lawrence Navigation Company is to facilitate the trade of this Province and to promote the progress of Navigation therein;

And whereas the said Company have already built a Steamboat, which is on the line between Montreal and Cornwall and the intermediate ports;

And whereas the said Company might find itself under the necessity of becoming a party to proceedings at law, and in order

order to avoid certain technical inconveniences, the said Company have prayed to be incorporated : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Honorable Louis Renaud, Charles Séraphin Rodier, Maurice Cuvillier, George Tate, John McMartin, F. X. A. Trudel, Louis Hainault, Ulysse J. Robillard, Alexander Stickler, and all other persons who may now be or hereafter become subscribers or stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors and assigns, or by any other lawful title, may hold any part, share or interest in the Capital Stock of the said Company, and their executors, administrators, successors and assigns, shall be, and they are hereby constituted a body politic and corporate, for the purposes mentioned in the preamble of this Act, under the name and style of "The Saint Lawrence Navigation Company;" and shall by that name have perpetual succession and a Common Seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province; the said Company may make, establish and put into execution, alter or repeal all By-laws, rules, ordinances and regulations, the same not being contrary to the Laws of this Province nor to the provisions of this Act, as may appear to them necessary or expedient for the management of the business of the said Company; all the moveable and immoveable property, rights and actions, belonging to the said Saint Lawrence Navigation Company are hereby transferred to the said Corporation, and from and after the passing of this Act the said Corporation shall be the proprietor thereof, and of all other moveable property and effects which the said corporation may hereafter acquire; and all the debts and obligations of the said Saint Lawrence Navigation Company shall be acquitted and performed by the said Corporation; Provided always, that no by-law, ordinance, rule or regulation shall be in force until the same shall have been approved of by a majority of the Directors hereinafter mentioned, or their successors, authorized to that effect at the annual general meeting of the Stockholders of the said Company.

Certain persons incorporated.

Name and corporate powers.

To make By-laws.

Rights and liabilities of Company transferred to corporation.

Provide: as to By-laws.

2. The Capital of the said Company is hereby limited to the sum of three hundred thousand dollars, currency, divided into three thousand shares of one hundred dollars each; but it shall be lawful for the said Company to use and enjoy the rights, privileges and advantages granted by this Act as soon as thirty thousand dollars of the said Capital shall have been subscribed and paid; and the shareholders of the said Company shall not be in any case liable for more than the amount by them respectively subscribed, or the amount of the shares taken by them respectively in the said Company; and the amount of the said shares being once paid in full, nothing more shall in any case be exacted of the said shareholders; After an amount equal to the

Capital and shares.

Liability of shareholders limited.

How only called the

Capital increased.

the said sum of thirty thousand dollars currency has been subscribed and paid, no new shares in the said Company shall be taken, so as to increase the subscribed capital, until after a resolution to that effect has been adopted by the Board of Directors.

Power to hold real estate.

3. The said Corporation, under the name of the Saint Lawrence Navigation Company, may also acquire and hold real estate, for the construction of wharfs and the erection of warehouses and offices, and for such other necessary purposes in connection therewith as the said Company may deem expedient, at the different ports and places at which the steamboats belonging to the said Company shall touch, and may at any time sell, exchange and dispose of the same and purchase other property for the same purposes; Provided always, that the said Company shall not at any time possess real estate, the total value of which shall exceed the sum of twenty-five thousand dollars currency.

Limitation.

Nine Directors

Quorum.

Qualification.

Elections of directors.

Votes and proxies.

President.

His duties, &c.

Vacancies.

Removing Directors.

4. The superintendence, control and management of the affairs of the said Company shall be vested in nine Directors, five of whom shall be a quorum, which said Directors shall be Stockholders in the said Company, and shall not be eligible unless each of them has possessed, in his own name, for at least one month then last past, ten shares in the said Company; these Directors shall be elected at regular meetings in the course of the month of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the Directors, and notice whereof shall be given in two newspapers, published, one in English and the other in French, in the City of Montreal, at least ten days previous to the day appointed for the said meeting; and the said election shall be had and made by the Shareholders of the said Company present at the said meeting, or represented thereat by an Attorney holding a written power of Attorney in the form A annexed to this Act, or passed before Notaries; and all elections of Directors shall be by ballot, and in the manner prescribed by the By-laws of the said Company; The Directors elected shall choose out of their number a President, who shall also be elected by ballot; they may also appoint a Secretary of the Board of Directors, on such conditions as they may deem advisable, provided he be a Shareholder of the Company; It shall be the duty of the said President to preside at all meetings of the Stockholders or Directors; the President may vote at all meetings of the Directors, and in case of an equal division of votes he shall also have a casting vote; any vacancy among the Directors, occasioned by death, resignation, or absence from the Province, shall be filled by such person as the Directors may appoint; and it shall be lawful for the Stockholders, at any special meeting called for that purpose, to remove all or any of the said Directors and to appoint others in their stead, in the same manner

manner as the annual election of Directors is hereby provided for.

5. Each Stockholder shall be entitled, at the general meetings, to a number of votes proportionate to the number of shares which he shall have held in his own name at least one month previous to the time of voting, in the proportion following, to wit: one vote for one share, two votes for four shares, three votes for eight shares, four votes for sixteen shares, and five votes for twenty-five shares or more, whatever may be the number; and all questions brought before the Stockholders at any general or special meeting shall be decided by a majority of such votes of the Shareholders then present, subject, in case of an equality of votes, to the casting vote of the President.

Scale of votes.

Majority to determine all questions.
Casting vote.

6. All the ordinary affairs of the Company shall be administered by the Board of Directors, or by a Manager by them named for that purpose, who shall be under their control; the said Board of Directors may, in the interests of the Company, dispose of the movable or immovable property of the Company, by sale or exchange, or in any other way that the interests of the said Company may require, and acquire other movable or immovable property for the same purposes.

Powers of Directors, and Manager.

7. The President, or any two or more Directors, may, at any time and from time to time, call a meeting or meetings of the Stockholders, either for general or special purposes; and any six Stockholders may at any time call special meetings of the Company, upon giving at least ten days notice by advertisement in one or more newspapers published in the city of Montreal, or by sending a written or printed notice to each Stockholder, by post or otherwise; and every advertisement or notice calling a special meeting shall specify distinctly the purpose or purposes for which such meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such meeting.

Special meetings.
Notice.

8. It shall be the duty of the Directors to make such yearly dividends of the profits of the said Company as to them, or a majority of them, shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the Company and to be open to the perusal of any Stockholder; and a copy thereof, certified by the oath of the President and two of the Directors, shall be transmitted annually to the three branches of the Provincial Legislature, which oath any Judge, Commissioner or Justice of the Peace, is hereby authorized to administer; And before paying and liquidating such annual dividends of the profits of the said Company, and out of such dividends, the said Company shall have a right to keep and retain a special and reserve fund, to be employed for the acquisition and construction of steamboats, and

Dividends and accounts.

Copies to-legislature.

Reserve Fund.

and the expenses and repairs of the steamboats of the said Company, a clear statement whereof shall be submitted and retained by the Directors of the said Company, to form part of the minutes of their proceedings.

Provision in case of failure of election.

9. If at any time it shall happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved ; but it shall be lawful on any other day to hold and make an election, in the same manner as the annual election of Directors is herein provided for ; and until such election, the former Directors shall continue in office, and every act done by them shall have full force and effect.

Transfer of shares.

Proviso.

Proviso :
Transferer to pay all debts to the Company.

10. The shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective holders and owners thereof, according to the form prescribed by Form B, hereunto annexed ; Provided always, that the transferrer shall be held personally liable to the said Company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer ; And provided that the said transferrer shall not be able to transfer, cede and alienate any part of all such shares by him subscribed for, until he shall have paid to the said Company all and every the sums of money which he may owe to the said Company, either for the whole or any part of the shares by him subscribed for, and for which he shall be indebted at the time of such transfer, cession or alienation, or which he shall owe to the said Company upon old accounts, promissory notes and otherwise.

Provisional Directors.

11. Until the next annual and general meeting of the Company, as above provided for, the Board of Directors of the said Company shall be composed of the present Directors, who are the Honorable Louis Renaud, Louis Hainault, Charles Séraphin Rodier, George Tate and John McMartin, who shall continue to administer the affairs of the said Company as Directors duly elected, and shall continue in office until the appointment of their successors, as provided by this Act.

Place of business, &c.

Service.

12. The principal office of the said Company, which shall be considered its chief place of business, shall be in the City of Montreal ; and any service of process made at that office or upon the President of the Company, in person, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Form of proxy.

13. Every Shareholder of the said Company may, by a power of attorney according to the Form A annexed to this Act, or in any form to the same effect, or by a power of attorney executed before Notaries, constitute or nominate an

Attorney

Attorney to represent him with respect to the said Company, convey his shares therein to third persons, accept the transfer of shares to him, receive his dividends and bonuses, sell his shares, and represent him at the meetings of Shareholders, and vote for him.

14. This Act shall be deemed a Public Act.

Public Act.

FORM A.

Referred to in the foregoing Act.

I, the undersigned, do hereby constitute and nominate C. M. as my special Attorney, to sell and convey the Shares which I possess in the Saint Lawrence Navigation Company, to buy shares in the said Company for me, and receive transfer thereof, to receive all dividends and bonuses payable to me, and give receipts therefor, to represent me in meetings of shareholders of the said Company, called for any purpose whatever, and to give for me the number of votes to which I am entitled according to the number of my shares; and I ratify by these presents all that my said attorney shall do in virtue of this power of attorney.

Done at this day of one
thousand eight hundred and

Signed in presence of two witnesses } (Signature.)

FORM B.

Referred to in the foregoing Act.

For value received from of I (or we)
do hereby assign and transfer to of shares
(on each of which has been paid dollars
cents, currency) in the Capital Stock of the "Saint Lawrence
Navigation Company," the office of which is at Montreal,
subject to the rules and regulations of the said Company,
hereby obliging myself to fulfil the conditions imposed by the
proviso contained in the eleventh section of the Act of Incorporation of the said Company.

In testimony whereof, I (or we) have signed these presents
at the office of the said Company, this day of
one thousand eight hundred and

(Signature of the Transferrer, or of his Attorney.)

Witness:

I (or we) do hereby accept the foregoing assignment of shares in the Capital Stock of the "Saint Lawrence Navigation Company" assigned to me (or us) as above mentioned, this day of one thousand eight hundred and

(Signature of the Transferee, or of his Attorney.)

Witness :

CAP. CXIV.

An Act to incorporate the Fenelon Falls, Minden, Haliburton and Northern Lakes Steam Navigation Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Sidney Smith, S. S. Peck, Charles R. Stewart, H. Covert, A. LaCourse, David Browne, F. W. Haultain, S. C. Wood, William Grace, John Lucas, James Melville and others, have presented a petition to the Legislature of this Province praying that an Act may be passed to authorize them to improve and establish the water communications between Fenelon Falls and Minden Bridge in the county of Victoria, and it is expedient to grant their request : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Incorporation.

1. Sidney Smith, S. S. Peck, Charles R. Stewart, H. Covert, A. LaCourse, David Browne, S. C. Wood, William Grace, John Lucas, James Melville and others, together with such person or persons as shall under the provisions of this Act become shareholders of the company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body

Name.

corporate in fact and in name by the name of the Fenelon Falls, Minden, Haliburton and Northern Lakes Steam Navigation

General powers.

Company, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors shall and may have a common seal and may change and alter the same at their will and pleasure ; and also they and their successors by the

Property.

name of the Fenelon Falls, Minden, Haliburton and Northern Lakes Steam Navigation Company shall be in law capable of purchasing and holding to them and their successors any personal estate or property whatever, and such real estate as may be necessary for their use and occupation, and for carrying into effect the powers hereby vested in them, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said company from time to time as they shall deem expedient or necessary.

2. It shall be lawful for the said company to enter upon any ungranted lands of the Crown and to make and establish facilities for the purpose of transportation, traffic and trade; and for such purposes to build roads, tramways, railways or canals between any parts of the said waters which may be made navigable, and to improve or render navigable the waters and the courses or channels thereof from any place or places above named, to any other place or places on the shores of the said waters, and to build wharves, erect warehouses, stores and other buildings or any other works wherever the same may be deemed expedient or necessary for these purposes; Provided always, that the company shall first lay before the Commissioner of Crown Lands detailed statements of the lands proposed to be entered upon and the plans of any works so contemplated, and after such plans have received his approval in writing the company may proceed with their works and shall not deviate from the said plans without being thereunto authorized by the Governor in Council.

Power to enter
on Crown
Lands.

Provide: with
consent of
Commissioners
of Crown
Lands.

3. For the purposes aforesaid the said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon any of the lands of the Queen's Most Excellent Majesty, or of any other person or persons, bodies politic or corporate, or communities whatsoever, lying on or near the shores of the said waters, and to survey and take levels of the same or any part thereof and to set out and ascertain such parts thereof as they shall think necessary and proper for the making of roads, railways, tramways, canals, and the improving and rendering navigable the said waters and the courses and channels of such water communications and so forth, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving and maintaining all and every the works contemplated by this Act; and it shall and may be lawful for the said company to construct, acquire, charter, navigate and maintain boats, vessels and steam vessels for carrying on trade and conveying goods and other traffic and passengers on the said waters on the Portages between such waters, and on the lakes and rivers lying to the northward, eastward and westward of Minden Bridge aforesaid and *vice versa*, and steam and other vessels for all business and purposes connected therewith, and the profitable prosecution thereof; and they shall have power to buy and sell and trade, as may be deemed expedient, and to make contracts and agreements with any person or persons whatsoever for the purposes aforesaid or otherwise for the benefit of the Company.

General powers for executing the work.

Holding and using vessels, &c.

Trading and making contracts.

4. The capital stock of the said corporation shall be one hundred thousand dollars and the same is hereby declared to be divided into five thousand shares of the value of twenty dollars each; and if the said sum of one hundred thousand dollars be found insufficient for the purposes of this Act, then and in such case

Capital and shares.

Provision for increase.

case it shall and may be lawful for the said company by a vote representing two thirds of the capital stock aforesaid at any general meeting of shareholders to be called for that purpose, to increase the capital stock of the said corporation, either by the addition of new subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of two hundred and fifty thousand dollars; and the capital so to be raised by the creation of new shares, shall be in all respects part of the capital stock of the said corporation and every holder of the new stock shall be a member of the said corporation.

Liability of shareholders limited.

5. No shareholder in the said Corporation shall be in any manner liable to be charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, her or their subscribed share or shares in the capital stock of the said Corporation.

When to commence work.

6. It shall not be lawful for the said company to proceed with their operations under this Act until twenty thousand dollars of the capital stock shall have been subscribed and ten per centum shall have been paid thereon.

Who may take stock.

7. Any municipal Corporation may take shares in the said company.

Election of directors.

8. For the management of the affairs of the said corporation there shall be elected by the shareholders of the said corporation at a general meeting of them to be holden annually, seven directors, each one being a proprietor of not less than ten shares of the capital stock of the Corporation, the majority of whom shall elect from amongst themselves a President and a Vice President, one of whom shall preside at the general board meetings and otherwise discharge the duties pertaining to such office; and whenever a vacancy shall happen in the board of Directors by death or resignation, or by reason of any Director declining or neglecting to act for a period of two months after his election, such vacancy may be filled up by the majority of Directors for the time being appointing some shareholder to supply the vacancy so occurring; nevertheless any acts done by the surviving Directors or the majority of the acting Directors, without having the vacancy filled up shall not be deemed invalid; and five Directors shall form a quorum of the board, and may exercise all the powers of the Directors; and the Directors shall have power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or may from time to time be added to or fall into the general stock, either by forfeiture or otherwise, on such terms and conditions and to such parties as they may think most likely to promote the interests of the said Corporation; and they shall have full power to make such calls for money from the several shareholders for the time being as may be provided by any By-law, rule or regulation of the said Corporation, and to sue for, recover and get in all calls whether

President and vice-president.

Vacancies.

Quorum.

Calls:

whether already made or to be made by them and to cause and declare the said shares to be forfeited to the Company in case of non-payment on such terms and in such way as shall be prescribed by any By-law of the Company; and to maintain an action for the recovery of calls, it shall be sufficient to prove by any one witness, that at the time of making such call the defendant was a shareholder in the number of shares alleged, and that the calls sued for were made and notice given in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of Directors nor any other matter whatsoever; the said Directors shall and may use and affix, or cause to be used and affixed the common seal of the said Corporation to any document which in their judgment may require the same; and any act or deed bearing such seal and signed by the President or the Vice-President and countersigned by the Secretary shall be held to be the act and deed of the Corporation; the President and Vice-President and Directors shall have power to appoint or discharge all and every officer and servant of the Company and to make By-laws for the government and control of the officers and servants of the Company and appointing the salary or allowance to be made to them respectively, and shall have power to make and frame all other By-laws, rules and regulations for the management of the affairs of the Company in all its details and particulars; also for establishing the rule of voting for Directors of the Company; and the same also at any time to change, modify or repeal; which By-laws, rules and regulations shall be submitted for approval, rejection or alteration by the shareholders at the next general meeting, or at a special meeting to be called by the said Directors for such special purpose, and in conformity with any By-law providing for such special meeting; and any copy of the By-laws of the said Corporation or of any of them purporting to be under the hand of the clerk, secretary or other officer of the said Company and having the seal of the said Corporation affixed to it shall be received as *prima facie* evidence of such By-law in all Courts in this Province.

Actions for calls.

Powers of Directors.

By-laws.

Proof of By-laws.

9. The first general meeting of shareholders for the election of Directors shall be holden at the office of the said Corporation in the Town of Peterborough, on the first Monday in January in the year of our Lord one thousand eight hundred and sixty-seven, and unless otherwise provided by some By-law to be made and sanctioned by the Corporation, the general meeting for the election of Directors shall take place in each succeeding year thereafter on the like day of the year and at the like place; the Directors so elected at such general meetings shall be elected to serve for the then year ensuing; and at the expiration thereof, each and every Director may be re-elected by the shareholders; and at all such general meetings the shareholders of the said Company may vote by proxy, every such proxy being appointed by an instrument in writing under the hand of the shareholder appointing him.

First general meeting.

Annual meetings.

Proxies.

Provisional
directors.

10. Until such first general meeting as aforesaid and election of Directors, the Directors of the said Corporation are hereby declared to be the said Sidney Smith, S. S. Peck, H. Covert, James W. Dunsford and Charles R. Stewart, with power to add to their number until the first general meeting, and they and the survivors of them shall be and are hereby constituted to be the Directors of the said Corporation, and shall have and exercise all and every the powers and shall be subject to all and every the clauses and conditions imposed on Directors to be chosen under this Act; provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves a President and a Vice-President; the said President, Vice-President and Directors shall have power and authority to establish for certain purposes, and have a place of business or office or offices, and appoint agents and offices in any part of Canada; and to open books of subscription in all and every place of business so established, and to receive subscriptions for the stock of the said Corporation transferable there respectively; and to make all such instalments called thereon and dividends declared thereon payable there respectively.

President and
vice-president

Powers of
provisional
directors.

Assignment of
shares.

11. The shares of the said Company shall and may be assignable by the delivery of the certificate to be issued to the holder of such share or shares respectively, and by assignment in some convenient form and on conditions to be prescribed by any By-law of the said Corporation.

Taking materials from
Crown Lands.

12. The Company may, with the permission of the Commissioner of Crown Lands, if it be found necessary for the construction of any works connected with such works as are contemplated by this Act, cut timber, procure stone, fuel and other materials from any unsold lands of the Crown lying beyond the limits of lands acquired by the Company as herein before provided, under such regulations as may be made by the Governor in Council.

Tolls on works
of the Company.

13. The said roads, railways, tramways, canals and all improvements so made by the said Company shall be of free access to all passengers, traffic and trade, upon payment of such tolls or charges thereon as shall be fixed in accordance with such regulations as may be made by the Company with the approval of the Governor in Council; and such charges and tolls may be raised and altered at any time by the Governor in Council; and notice of such tolls shall be published at the expense of the Company; and provided further that the Government, if deemed expedient for public purposes, may take possession of all the works so constructed by the Company, excepting wharves or storehouses, upon repaying the Company the sums of money expended thereon with interest at the rate of ten per cent.

Government
may take possession of the
works.

14. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the Corporation hereby constituted shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the President or Secretary for that purpose. Provision in case of failure of election.

15. The said Company shall have power to construct a telegraph line from the terminus of any existing telegraph line in the County of Victoria to the northern limit of the said works; provided always, that the Government may assume such telegraph line on the same terms as the other works of the Company. Power to make telegraph line. Proviso.

16. The said Company shall commence operations and the survey and location of their line and works within two years, and shall execute and complete their works and improvements within ten years after the passing of this Act; provided always, that nothing in this Act contained shall be held to prevent another Act or other Acts of incorporation being passed incorporating another company or other companies for similar purposes. When to commence and finish works. Proviso.

17. The Directors may employ any one of their number as paid Director, by By-law passed at a general meeting of the shareholders, and any one of the Directors may at the same time act as Secretary or Treasurer of the said Company and be allowed and paid for his services as such. Paid director.

18. This Act shall be deemed a Public Act. Public Act.

C A P . C X V .

An Act to incorporate the Pierreville Steam Mills Company.

[Assented to 15th August, 1866.]

WHEREAS Louis Adelard Senecal, Joseph Guillaume Tranchemontagne, Valentine Cook, Louis Tourville, Henry Vassal and Carlos Darius Meigs, have, by their petition to the Legislature, represented that they have formed a Company for the erection of saw and grist-mills and of mills for other manufacturing purposes, in the parish of St. Thomas de Pierreville, on the River St. Francis, in the district of Richelieu, and that an Act incorporating them as a Company is necessary to enable them advantageously to conduct and manage the said business; and whereas the said undertaking will tend to develop the capabilities and advance the interests of the Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

**Company
incorporated.**

1. The said Louis Adelard Senecal, Joseph Guillaume Tranchemontagne, Valentine Cook, Louis Tourville, Henry Vassal and Carlos Darius Meigs, or such of them, and all such other persons as shall become Shareholders in the said Company, shall be and are hereby ordained, constituted and appointed to be a body corporate and politic in law, in fact and in name, for the purpose aforesaid, by the style and title of the "Pierreville Steam Mills Company," and shall by that name be authorized and empowered to carry on, in the said parish of St. Thomas de Pierreville, the business of constructing and working saw mills, grist mills, mills for carding and fulling, and other manufacturing purposes, and shall for such purposes be authorized to purchase, hold and use such land as may be necessary for properly carrying on such business, and also to erect and maintain the necessary mills, booms, buildings, machinery and appurtenances therefor.

**Capital
\$54,000.**

2. The Capital Stock of the Company incorporated by this Act, shall not exceed the amount of fifty-four thousand dollars, unless increased in the manner hereinafter provided, and shall be composed of shares of one hundred dollars each; but it shall be lawful for the said Company to commence business and to exercise any of the powers given by this Act, so soon as the sum of twelve thousand dollars of the stock of the Company shall have been paid in.

**May com-
mence busi-
ness with
\$12,000.**

**First Directors
appointed.**

3. The said Louis Adelard Senecal, Valentine Cook, Louis Tourville, Joseph Guillaume Tranchemontagne and Henry Vassal, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make calls on the shares subscribed in such Books, and shall call a meeting of subscribers for the election of Directors in manner to be hereafter provided by By-law.

**To open sub-
scription
Books, &c.**

**Opening stock
book and al-
lotting shares.**

4. The said Directors are hereby empowered to take all necessary measures for opening the Stock Books, for the subscription of parties desirous to become shareholders in the said Company, and to determine and allot to parties subscribing for stock in the said Company, the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; and the said Directors shall cause an entry to be made in the records of their proceedings and in the Stockholder's Book, of the stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment; and upon such entries being made, the rights and liabilities of such shareholders shall accrue in respect of his, her or their particular interest in the said Company.

**Entry of shares
so allotted.**

5. The following sub-sections of the fifth section of the Act chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, shall be incorporated with and form part of this Act, that is to say, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third sub-sections thereof.

Certain provisions of 27, 28 V. c. 23 incorporated with this Act.

6. The said Company may borrow money to the extent of three-fourths of their capital for the purpose of carrying on its establishment, when at any general or special meeting of shareholders called in accordance with the By-laws of the Company, and on notice for that purpose, a vote to that effect shall be carried by two-thirds of the votes at the said meeting, recorded personally or by proxy; and as security for moneys so borrowed by the said Company, the said Company may mortgage the whole or any part of its real estate to an amount not exceeding two-thirds of its actual value, and may sell or mortgage all its personal estate, chattels and effects, and may issue Debentures pledging all the real and personal estate of the said Company for the payment of principal and interest accruing due on the same; Provided always, that such Debentures are for amounts not less than one hundred dollars, and that a certificate of the number and amount of such Debentures as they are issued under the Seal of the Company and signature of the President or Secretary shall be filed in the office for the registration of titles to land in the county of Yamaska, which certificate shall be open to inspection of any person on the payment of twenty-five cents for each inspection.

Company may borrow money to a certain amount.

And mortgage property.

And issue Debentures.

Proviso: none to be under \$100.

7. It shall be lawful for a majority of the stockholders of the said Company present at any Annual General Meeting thereof, to determine that the Capital of the Company be increased to any amount, not exceeding in the whole one hundred thousand dollars, and such capital may then be so increased, either by subscription among the then stockholders, or the admission of new stockholders, or otherwise, as such majority shall determine; and the Directors of the Company for the time shall and may then open Stock Books, allot shares, receive subscriptions, make calls and recover the amount, or dispose of the shares on which they shall be unpaid, and may otherwise deal with, and with respect to such new stock, and the subscribers for and holders thereof, as hereinbefore provided with regard to the original stock of the Company and the holders thereof; and the holders and subscribers for new stock shall have the like rights and liabilities in respect thereof as the holders of and subscribers for the original stock in respect thereof; and such increase may be made either at one time and meeting to the amount above mentioned, or at two or more times or meetings, for part thereof at each, so as the whole amount aforesaid be never exceeded.

Provision for increased of Capital.

Opening books and allotting shares.

Rights of holders of such shares.

Company may
construct
booms.

8. It shall be lawful for the said Company to construct booms on the River St. François, for leading their timber to the Tardif Channel, on which their mills will be constructed, provided that the said booms be so constructed as not to obstruct the navigation of the said river, or interfere with the lumber business done thereon.

And also a
bridge on cer-
tain conditions.

9. It shall also be lawful for the said Company to construct a fixed boom across the Tardif Channel, a few arpents below the by-road (*route*) which crosses Isle-du-Fort, opposite the property now occupied by Mr. Michel LeMaitre, on the north side of the said channel; and it shall also be lawful for the said Company to construct a wooden bridge, with piers and wharves of stone over the said Tardif Channel to connect Isle-du-Fort with the north bank of the said channel, opposite the by-road above-mentioned which crosses the said island, and the said bridge and boom and all profitable interest therein, shall be vested in the said Company, so as to enable the said Company to bring and maintain any action or actions either at law or in equity, against any person or persons who shall cut away, destroy, or injure them in any manner whatsoever, provided always that the said Company shall only construct and maintain the said boom, upon the condition of constructing the said bridge, and for so long as they shall maintain it in good repair, and allow free use thereof to the public; provided always that it shall not be lawful for the said Company to construct any wharf, bridge, pier, boom or other work mentioned in this Act, upon or over the said River St. Francis or Tardif Channel, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Governor in Council, and the same has been approved by him, and no deviation from such approved site and plan shall be made without his consent.

Proviso:
Consent of
Governor in
Council re-
quired.

Public Act.

10. This Act shall be deemed a Public Act.

CAP. CXVI.

An Act to incorporate the Rexton Mining Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Felix Geoffrion, Esquire, M.P.P., hath, by his petition, represented that he, with others associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing, and disposing of copper and other ores in the County of Shefford, in the Province of Canada; and that they can do so to better advantage by the aid of a charter of incorporation, and hath prayed for the passing of an Act to that end; and whereas it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Felix Geoffrion, Esquire, M.P.P., Felix Voligny, Candide Roy, Joseph L. Lafontaine, Pepin Pepin, Christophe Prefontaine, together with all other persons who shall become shareholders in the company hereby constituted, shall be and they are hereby constituted a body corporate and politic, by the name of the "Roxton Mining Company."

Certain persons incorporated.

2. The company may carry on the business of exploring for, mining and smelting copper and other ores, and metals and minerals, in the said County of Shefford, and of manufacturing, dealing in and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

Corporate powers.

3. The company may by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon and they may sell and dispose of the same, and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper, or other ores or metals, within the said county.

May acquire land and sell it.

Or Royalty.

4. The capital stock of the said company shall be the sum of fifty thousand dollars, divided into two thousand five hundred shares of twenty dollars each, and may be from time to time increased as the wants of the company require, by vote of not less than two-thirds of the shareholders at a meeting of the company called for the purpose, to an amount not exceeding one hundred thousand dollars in the whole; such stock to be paid for and issued as herein provided for the original stock; provided that the company shall not begin operations until the whole of the capital stock be subscribed, and one-fourth thereof actually paid in.

Capital stock and shares.

Increasing capital.

Proviso: when to commence work.

5. The following subsections of the fifth section of the Act chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, shall be incorporated with and form part of this Act, that is to say, the first, third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh, twelfth, thirteenth, fifteenth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and thirty-third subsections thereof.

Certain provisions of 27, 28 V. c. 23 to apply to the Company.

6. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed; but no share shall be assignable except to the company until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock personal property and how assignable.

Who shall be
first directors.

7. Until the first election of the board of directors, Felix Geoffrion, Felix Voligny, Candide Roy, Joseph L. Lafontaine, Pepin Pepin, Christophe Prefontaine, Adolphe Senecal and Godefroi Prefontaine shall be a Provisional Board of Directors,

Their powers.

with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered as fully paid shares, to convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do, and any other acts necessary and proper to be done to organize the company and conduct its affairs.

Rights of third
parties saved.

8. Nothing in this Act contained shall in any way affect the rights of any person with whom the parties hereby incorporated may be in litigation, or with whom they may heretofore have had any contract or transaction affecting the property of the said company.

Public Act.

9. This Act shall take effect immediately, and shall be deemed and be a Public Act.

C A P . C X V I I .

An Act to incorporate The Dresden Great Western Oil Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the persons hereinafter named have by their petition represented, that they, with others, desire to associate themselves together for the purpose of acquiring by license, lease, purchase or otherwise, lands bearing or producing, or supposed to be capable of bearing or producing Oil or Petroleum, Salt or other Mineral Springs, Ores, Mines or Minerals, and of working the same, and leasing, selling or disposing thereof; and that a large extent of land in Western Canada has been acquired and is now held for the purposes of such association so to be formed, and that they can do so to better advantage by the aid of a Charter of Incorporation, and have prayed for an Act to that end; and whereas it is expedient that such prayer should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. Andrew Trew Wood, William J. Copp, James Bradshaw, Robert Young, John Proctor, Frederick G. Beckett, E. V. Bodwell and David Edgar, together with such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Dresden Great Western Oil Company," and all and every the lands and property so held or acquired

Corporate
name.

acquired as aforesaid shall, on the passing of this Act, vest in the company hereby created.

Lands already
acquired,
vested.

2. The company hereby established may carry on the business of exploring, searching for, working, extracting, manufacturing or converting, or otherwise obtaining in Canada, oil, petroleum, salt, ores, mines or minerals, and for these purposes may acquire and hold by purchase, lease, license or otherwise, lands in the said Province, not exceeding five thousand acres in superficies, and may carry on and engage in the sinking of wells, shafts, pits, and the purchasing, erecting, and constructing of works, machinery, plant and other things necessary for the above purposes; and may make and enter into contracts, agreements, engagements or dealings with any company or person for the sale, lease, license, working or otherwise disposing of the whole or any part of the said lands, tenements, or hereditaments, and the produce derived therefrom, and the oil, petroleum, salt, ores, mines and minerals under or obtainable from the said lands or otherwise acquired, and whether raw or crude or manufactured, converted, or refined, and may execute and carry into full force all such contracts, engagements and dealings, and generally may do such acts or things as are, directly or indirectly, incidental to the business or calculated or conducive to the attainment of the above objects or any of them, and the promotion of the interests of the company.

Business of
the Company
defined.

Real property
limited.

Power to ma-
nufacture, sell,
make con-
tracts, &c.

3. The capital stock of the company shall be the sum of fifty thousand dollars, divided into one thousand shares of fifty dollars each, and may be from time to time increased, as the wants of the company may require, to an amount not exceeding one hundred thousand dollars in the whole; provided that the company shall not begin operations until the whole of such capital stock be subscribed, and one-fourth thereof actually paid in.

Capital and
shares.

Proviso: as
to commencing
operations.

4. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subjects to such conditions and restrictions as the By-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment of calls thereon.

Stock to be
personalty:

When assign-
able.

5. Until the first election of such Board, Andrew Trew Wood, Frederick G. Beckett, John Proctor, William J. Copp, P. W. Dayfoot, E. V. Bodwell, James Bradshaw and Robert Young, shall be a provisional Board of Directors for the said company, with full power to fill vacancies, to open Stock Books, assign stock, make calls for and collect instalments of stock, issue certificates and receipts, convene the first general meeting of the company at such time and place within this Province as they shall determine, and to do all other acts necessary

Provisional
directors and
their powers.

necessary or proper to be done to organize the company and conduct its affairs.

Certain provisions of 57, 23 V. c. 23 to apply to the Company.

6. The following subsections of the fifth section of the Act chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, shall be incorporated with and form part of this Act, that is to say :—the first, third, fourth, fifth, sixth, seventh, eighth, tenth, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-fifth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third subsections thereof.

Authentication of documents for registration.

7. The seal of the company affixed to any conveyance, deed, or instrument in writing, under the hand of the President or Vice-President and Secretary thereof, or to any duplicate thereof, for the purpose of registration of the said deed, conveyance or other instrument in writing, in the proper office for registering the same in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed or other instrument, and the duplicate thereof, by the said company, for all purposes respecting the said registration; and no further evidence or verification of the persons who shall sign or attest such deed, conveyance or other instrument in writing, or the duplicate thereof, shall be required for the purposes of registry in any county in Upper Canada, any law, usage or custom, to the contrary notwithstanding; and the Registrar of such county shall register the same without any further proof of such corporate seal, or any other proof whatever.

Public Act.

8. This Act shall be deemed a Public Act.

CAP CXVIII.

An Act to authorize the New York and Canada Oil Company to hold and convey certain lands.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS E. C. Robinson and R. C. Scott, the President and Secretary of the New York and Canada Oil Company, incorporated under the laws of the State of New York, have represented by Petition, that they, as a foreign corporation, became possessed, by purchase in fee simple, of certain lands in the Township of Enniskillen, in the County of Lambton, in Upper Canada, viz :—Lots fifteen, sixteen, seventeen, eighteen and nineteen, in Block E, in the subdivision of the north-west part of the north half of lot number sixteen, in the second concession of the said Township of Enniskillen; also, the north half of lot number twenty, in the ninth concession, and the south half of lot sixteen in the tenth concession of the said township; And whereas the said Company acquired the said lands in ignorance

ignorance of their inability legally to purchase or convey real estate in Canada, and have petitioned that the said lands may be legally vested in them, the said Company, and that they may be empowered to convey the said lands, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Company are hereby declared to have been at the date of such purchase, capable of taking and holding the said lands for such Estate as shall have been conveyed or intended so to be, and the President and Secretary of the said Company for the time being may, by deed under their hands and seals, sell and convey the said lands to any person or body corporate in fee simple; and any deed so executed containing a receipt for the purchase money, shall relieve the purchaser from any liability to see to the application of the same, and from all liability for the non-application or mis-application thereof.

The Company may hold the said lands and dispose of them

2. This shall be deemed a Public Act.

Public Act.

C A P . C X I X .

An Act to authorize the Wyoming Petroleum Company to hold and convey certain lands.

[Assented to 15th August, 1866.]

WHEREAS the Wyoming Petroleum Company, organized and incorporated under the laws of the State of New York, by their President John D. Ottiwell, have represented by their petition, that they as a foreign corporation have become possessed by purchase in fee simple of certain lands in the Township of Enniskillen, in the County of Lambton, Canada West, viz.:—Eighty-one acres of the east half of lot sixteen in the third concession, according to a conveyance dated on the tenth day of December, in the year of our Lord one thousand eight hundred and sixty-four, from Robert White and Lydia, his wife, to the said Wyoming Petroleum Company; and whereas the said Company have acquired the said lands in ignorance of their inability legally to hold and convey real estate; and whereas the said Company have petitioned that the said lands may be legally vested in them, the said Company, and that they may be empowered to convey the said lands; and whereas it is expedient to authorize the said company to hold such lands and convey the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said company are hereby declared to have been, at the date of such purchase, capable of taking and holding the said

The Company may hold the said

said lands and dispose of them.

said lands for such estate as shall have been conveyed or intended so to be ; and the President and Secretary of the said company for the time being, may, by deed under their hands and seals, sell and convey the said lands to any person or body corporate in fee simple ; and any deed so executed, containing a receipt for the purchase money, shall relieve the purchaser from any liability to see to the application of the same, and from all liability for the non-application or mis-application thereof.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . C X X .

An Act to authorize the Hartford Oil Company to hold and convey certain lands.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the President and Secretary of the Hartford Oil Company, incorporated under the laws of the State of Connecticut, have represented by their petition that they, as a foreign Corporation, became possessed, by purchase in fee simple, of certain lands in the Township of Enniskillen, in the County of Lambton, in Upper Canada, viz: the east half of the east half of lot seventeen, in the first concession of the said Township of Enniskillen, ninety-five acres of the north half of lot fifteen in the second concession of the said township, twelve acres of lot sixteen in the third concession of the said township, designated as lot number eight in the sub-division survey of the said lot, and thirty-five acres of the south east quarter of lot fourteen in the eleventh concession of the said township ; and whereas the said Company acquired the said lands in ignorance of their inability legally to purchase or convey real estate in Canada ; and whereas the said Company have petitioned that the said lands may be legally vested in them, the said Company, and that they may be empowered to convey the said lands, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The Company may hold the said lands and dispose of them.

1. The said Company are hereby declared to have been, at the date of such purchase, capable of taking and holding the said lands for such Estate as shall have been conveyed or intended so to be, and the President and Secretary of the said Company for the time being, may, by deed under their hands and seals, sell and convey the said lands to any person or body corporate in fee simple ; and any deed so executed, containing a receipt for the purchase money, shall relieve the purchaser from any liability to see to the application of the same, and from all liability for the non-application or mis-application thereof.

Public Act.

2. This Act shall be deemed a Public Act.

C A P .

C A P . C X X I .

An Act for the incorporation of the Canada Vine Growers' Association.

[Assented to 15th August, 1866.]

WHEREAS Charles Dewey Day, Justin McCarthy De Courtenay, John Hector, Ralph B. Johnston and William F. Doherty have by their petition represented that they have with others formed themselves into a Company under the name of the Canada Vine Growers' Association, for the purpose of growing vines and manufacturing wine and other produce of the grape, and for such other purposes as are incidental to and customary in that business in Europe and America, and that they have acquired Real Estate in this Province, and have expended large sums of money in the cultivation and growth of vines thereupon, and in the construction of buildings and works necessary for carrying on their business; and that they are now in fact carrying on the said business, but can do so to greater advantage under an Act of Incorporation, and have prayed for the passing of such an Act; And whereas the cultivation of vines for the manufacture of wine and other produce of the grape in this Province is of great public importance and it is desirable that facilities and encouragement should be extended for the introduction and complete establishment of the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:

1. The said Petitioners, and all such other persons as shall become shareholders in the Corporation hereby created, shall be and they are hereby made a body corporate and politic by the name of the "Canada Vine Growers' Association"; and all the property and estate, real and personal, of the said unincorporated Association existing before the passing of this Act, and all debts and claims now due to or possessed by them, shall hereby immediately pass to and become vested in this Corporation, which shall in like manner become and be held liable for all debts and liabilities of the said unincorporated Association, and the said Corporation may, moreover, from time to time, purchase and hold such immoveable property as may be convenient for carrying on the business of the said Corporation as well in Lower Canada as in Upper Canada, and may sell, mortgage, lease or otherwise dispose of such property from time to time as they may see fit.

Corporate rights conferred.

Corporate name.

Transfer of rights and liabilities of association.

Power to hold land.

2. The Corporation hereby created may carry on, as well in Lower Canada as in Upper Canada, the business of cultivating and growing vines and of making and selling wine and other liquors produced from grapes, and all such other business and operations as are incidental to and customary in the like business

Objects of the corporation.

Their manu-
factures ex-
empt from ex-
cise, &c., for
ten years.

in Europe and America ; and no duties of Excise, taxes or other imposts whatever, except municipal or local taxes, shall be exacted or levied upon the business of the Corporation, or upon the manufacture or sale of wine produced by them, or of any article made by them and used in or about the making of wine, in the exercise and course of the said business, for the period of ten years from the passing of this Act ; subject to such conditions and regulations as may, from time to time, be made by the Governor in Council.

Capital stock
and number of
shares.

3. The Capital Stock of the Corporation shall be one hundred thousand dollars current money of this Province in shares of one hundred dollars each, and such shares shall be transferable upon the books of the Corporation in such manner and subject to such restrictions as shall be fixed by the By-laws of the said Corporation ; provided always that no person to whom shall be allotted any stock in the said Corporation shall be exempted from liability to the creditors thereof, or from payment of any calls thereon by reason of any transfer which he may make of any such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said Corporation ; and such stock shall be called in and paid, in such instalments and upon such notice, as shall be fixed by the By-laws, and the said stock shall be deemed personal estate.

Proviso :
As to liability
of holders of
shares not
paid up.

Calls ; stock to
be personally .

Five hundred
shares to be
held by Peti-
tioners as paid
up stock, &c.

4. Five hundred shares of the said stock shall be held by the petitioners or their assigns and entered upon the books of the Corporation as paid up stock, representing the property, real and personal, belonging to the unincorporated Association and hereby vested in this Corporation ; and the said five hundred shares of paid up stock shall be allotted and divided among the several petitioners according to the proportions in which they may be entitled thereto, and shall be free from all claims and demands on the part of the said Corporation or the creditors thereof, to the same extent as if all the instalments hereon had been regularly called in by the Corporation and paid by the holders thereof in full ; Provided always that this Act shall not lessen or in any manner affect the legal rights of any persons now holding mortgages upon the property acquired and held by the said association, or the liability of the petitioners or any of them, under and by reason of any claim, covenant or obligation created by the said Association and existing before the passing of this Act.

Proviso :
Rights of third
parties not
affected.

Forfeiture for
neglect to pay
calls.

5. If any stockholder neglects or refuses to pay any such call or calls as shall be lawfully made as aforesaid upon any shares, such stockholder so refusing or neglecting shall forfeit such shares with any amount which shall have previously been paid thereon, and the said shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied
in

in like manner as other moneys of the said Corporation; provided always, that the purchaser shall pay the said Corporation the amount of the calls due thereon, in addition to the price of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid, and shall hold the shares so purchased subject to all future calls thereon; provided also, that notice of the sale of such forfeited shares shall be given in the same manner as shall be provided for notice of calls, and that the instalments due, and the costs incurred in advertising the sale may be received in redemption of any such forfeited shares, at any time before the day appointed for the sale thereof; and provided also, that nothing herein contained shall prevent the said Corporation from proceeding against any defaulter before any Court of Justice having cognizance thereof, to compel the payment of any call or calls in arrears, if they should see fit so to do.

Proviso :
purchaser to
pay calls.

Proviso :
Notice of sale
of forfeited
stock.

6. If at any future period the said sum of one hundred thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said Corporation to increase their capital stock by a further sum not exceeding one hundred thousand dollars currency, subscribed either among themselves or by the admission of new stockholders, such new stock being divided into shares of one hundred dollars each; provided always, that such increase be decided upon and ordered by a majority of the stockholders in value of the said Corporation, present in person or by proxy, at a meeting held for the purpose.

Capital may
be increased,
and how.

Proviso.

7. Until the election of Directors as hereinafter mentioned, the petitioners hereinbefore named or their assigns shall be the Directors of the said Corporation, with power to open books for the subscription of stock therein, to continue to carry on the business of the Corporation, and generally to exercise the usual functions of Directors until such first election; and such first election of Directors shall be made at a general meeting of the stockholders of the said Corporation to be held for that purpose at the City of Toronto, after such notice thereof shall have been given as is hereinafter required for special general meetings of stockholders in the said Corporation, and at such meeting five Directors shall be elected to hold office until the first Wednesday in the month of June then next following; and after such first election the stock, real estate, property, affairs and concerns of the said Corporation shall be managed and conducted by five Directors, to be annually elected by the stockholders at a meeting of stockholders to be held for that purpose, on the first Wednesday of the said month of June in each year, notice of which annual meeting shall be given in the manner hereinafter mentioned; and no person shall be a Director of the said Corporation, unless he be the proprietor of at least ten shares of stock therein.

Provisional
Directors and
their powers.

First election of
Directors.

Annual elec-
tions.

Qualification
of Directors.

How elections
shall be made.

8. Such meeting shall be held and such election made by such of the stockholders of the said Corporation as shall attend for that purpose, in their own proper persons or by proxy, each stockholder having one vote for every five shares, and all elections for such directors shall be by ballot, and the five persons who shall have the greatest number of votes at any such elections shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than five shall, by a majority of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot which of the said persons so having an equal number of votes, shall be a Director or Directors, to complete the whole number of five; and if any vacancy shall at any time happen among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the then next annual meeting for the election of Directors, by a person to be elected by the Directors in manner aforesaid at a meeting duly called for that purpose.

Vacancies
among direc-
tors.

Failure to elect
directors not to
operate the dis-
solution of
the corporation.

9. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of Directors, in such manner as shall have been regulated by the By-laws of the said Corporation; and the previous Directors shall, in every case, hold office until the election of their successors.

Special general
meetings,
when and how
convened.

10. Special general meetings of the stockholders may be convened on the requisition of any two Directors, or of a stockholder or stockholders possessing fifty shares of the stock of the said Corporation, and notice of such meeting and of the annual meetings of the said Corporation shall be held to be validly given, if inserted three times as an advertisement in any two newspapers published one in the City of Montreal and the other in the City of Toronto, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Directors to
make by-laws,
&c.

11. The Directors for the time being, or the major part of them, shall from time to time, have power to make such By-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, and for the doing of everything necessary to carry out its provisions according to their intent and spirit; provided always, that such By-laws shall have no force or effect until sanctioned by a majority of stockholders present in person or by proxy at any annual or other general meeting.

Proviso.

12. The Directors may elect from among their members a President and Vice-President of the said Corporation, and may appoint such officers, managers, clerks and servants, with such emoluments as they may see fit, and in their discretion may take such security from such officers, managers, clerks or servants, or any of them, as the said Directors may deem necessary.

Election of president, &c.

13. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said Corporation as to them, or a majority of them, shall seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Corporation, and such statements shall appear on the books, and be open for the perusal of any stockholder upon request, at least one month before the annual meeting of the said Corporation.

Annual dividends and statements.

To be open to stockholders.

14. No stockholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount remaining unpaid of his, her or their share or shares in the capital stock of the said Corporation.

Liability of stockholders limited.

15. The Corporation shall not be bound to see to the execution of any trust whether express, implied or constructive, in respect of any share or shares, and the receipt of the person in whose name the same shall stand in the books of the Corporation shall be a discharge to the Corporation for any dividend or moneys payable in respect of such share or shares whether or not notice of such trust shall have been given to the Corporation; and the Corporation shall not be bound to see to the application of the money paid upon each receipt.

Corporation not responsible for execution of trusts.

16. The fourteenth section of chapter ninety-three of the Consolidated Statutes of Canada, respecting offences against persons and property, shall be applicable and applied to grape vines growing in any vineyard or plantation of vines, and any person or persons unlawfully and maliciously cutting or otherwise destroying or damaging such grape vines shall be guilty of the offence and subject to all the pains and penalties imposed by the said fourteenth section of that Statute.

Con. Stat. Can., c. 93, s. 14 to apply to property of Corporation.

17. This Act shall take effect immediately and shall be deemed and be a Public Act.

Public Act.

CAP. CXXII.

An Act to incorporate the Long Point Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS John Brown, George Hamilton Gillespie, Thomas Cockburn Kerr, William Little, David Tisdale, Lauchlin McCallum, and Samuel DeVoe Woodruff, have by petition represented that they are the owners of a tract of land on Long Point, in Lake Erie, and that they desire to promote fishing and hunting thereon, and otherwise to manage and make the said land available for the purposes of the Company incorporated by this Act; and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for the passing of an Act to that end, and it is expedient that such prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. John Brown, George Hamilton Gillespie, Thomas Cockburn Kerr, William Little, David Tisdale, Lauchlin McCallum, and Samuel DeVoe Woodruff, together with all such other persons as shall become shareholders in the Company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of the "Long Point Company."

Corporate name.

Company empowered to purchase Long Point, for share's stock.

2. The Company may purchase, acquire, and hold in fee simple from the said John Brown, George Hamilton Gillespie, Thomas Cockburn Kerr, William Little, David Tisdale, Lauchlin McCallum, and Samuel DeVoe Woodruff, the lands and property owned by them on Long Point in Lake Erie, at and for such price or sum of money, or for such a number of paid-up shares of the capital stock of the Company, as the directors of the Company appointed by this Act may agree upon, and by resolution fix and appoint; (and such shares shall thereafter be taken, held and stand as the other shares which are actually paid in cash,) and the said land or any part thereof, at any time to lease or sell and convey in fee simple on such terms as the Company may see fit.

And to lease or sell it.

Business of the Company.

3. The Company may carry on the business of pursuing, protecting and granting licenses to take game, muskrats, mink, otter, beaver, and fish, upon the said lands and property or in the water covering the same; and generally the doing of such other acts or things with the said land or with any mineral substance or thing, grown, or to be grown, found or being in or upon the same, as may promote the interests of the Company, and not being contrary to the laws of this Province, or the terms of the Patent from the Crown.

4. The capital stock of the Company shall be the sum of fifty thousand dollars, divided into one hundred shares of five hundred dollars each, and may be from time to time increased as the wants of the Company require, by a two-thirds in value vote of the shareholders at a meeting or meetings called for that purpose, to an amount not exceeding two hundred thousand dollars in the whole; provided always, that no such increase of stock shall be made until after the whole amount of the original stock shall have been *bonâ fide* paid in under the provisions aforesaid.

Capital.
Provision for
increase.

Proviso.

5. The capital stock shall be paid by the shareholders, when and as the directors of the Company shall require, or as the By-laws may provide, and if not paid at the day required, interest at the rate of ten per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon after such demand or notice as the By-laws prescribe and within the time limited by such notice, the directors may by resolution, reciting the facts and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company and may be disposed of as the By-laws or votes of the Company may provide.

Calls :—to bear
interest if not
paid.

Forfeiture
for non pay-
ment.

6. The stock of the Company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the By-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

To be perso-
nalty,—and
how assign-
able.

7. At all meetings of the Company every shareholder not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the Company, and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; provided always the proxy is held by a shareholder not in arrear, and is in conformity with the By-laws.

Votes.

Proxies.

8. The said John Brown, George Hamilton Gillespie, Thomas Cockburn Kerr, William Little, David Tisdale, Lauchlin McCallum, and Samuel DeVoe Woodruff shall be the Directors of the Company until replaced by others duly elected in their stead.

Provisional
Directors.

9. The affairs of the Company shall be administered by a board of not less than five and not more than nine directors, being severally holders of at least two shares of stock; the after directors shall be elected at the first general meeting, (of which each shareholder shall have ten days' notice by letter mailed

Board of Direc-
tors.

Election. mailed to his address,) and thereafter at each annual meeting of the Company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected, and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next Annual Meeting of the Company by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation; and an election may be had at any general meeting of the Company called for the purpose as the By-laws of the Company shall regulate; elections of directors shall be by ballot.

Quorum.

Vacancies.

Failure to elect not to operate dissolution.

President and Secretary-Treasurer.

Powers of Directors.

By-laws for certain purposes.

Subject to approval.

Proof of.

Company not bound to see to trusts.

10. The Board of Directors shall from time to time elect from among themselves a President and Secretary-Treasurer of the Company, and shall have full power in all things to administer the affairs of the Company, and may make or cause to be made any purchase and any description of contract which the Company may by law make; to adopt a common seal; to make from time to time any and all By-laws (not contrary to law or to the votes of the Company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the Company; the security to be given by them to the Company; their remuneration and that (if any) of the Directors; the time and place for holding the general, annual, and other meetings of the company; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other offices which they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

11. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not

not be bound to see to the application of the money paid upon such receipt.

12. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond their shares in the stock thereof.

Liability of shareholders limited.

13. All contracts, promissory notes, bills of exchange and engagements, made on behalf of the Company by the Directors, officers, agents or servants of the Company, in accordance with their powers under the By-laws, or by vote of the Company, shall be binding upon the Company, and in no case need the seal of the said Company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said Company shall issue no bank note or note to circulate as money.

Contracts, bills, notes, &c., how executed.

Not to issue Bank Notes.

14. The Company may commence operations upon the passing of this Act.

Commencing operations.

15. Notwithstanding anything in this Act contained, the said Company shall not pursue and take game or fish during the close seasons, as fixed from time to time by the laws of this Province.

Company to observe game laws.

16. The expression "the Company" shall mean the Company hereby incorporated, whenever used in this Act or the By-laws of the Company hereby incorporated.

Interpretation.

17. The word "shareholder" shall mean every subscriber to or holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder.

Interpretation.

18. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X I I I .

An Act to incorporate the "Globe Printing Company."

[Assented to 15th August, 1866.]

WHEREAS there is now in the city of Toronto, a large Printing and Publishing Establishment, in which the business of "The Globe" newspaper, and an agricultural journal known as the "Canada farmer," and other general printing and publishing business is conducted, and of which, and of the copyrights, interests and assets connected therewith, the Honorable George Brown, of the city of Toronto, is the sole proprietor, and has invested a large amount of capital therein, and

Preamble.

whereas

whereas the said George Brown is desirous of associating other parties with himself in the ownership of the said establishment and business, and for securing greater efficiency and permanency in carrying on the same, is further desirous of obtaining an Act of Incorporation, and it is expedient that the prayer of his petition to that effect, be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and powers.

Real estate limited.

Objects and business of the corporation.

Capital stock and shares.

To be personal estate, &c.

1. The Honorable George Brown, of the city of Toronto, Publisher, John Gordon Brown, of the city of Toronto, Esquire, George Mackenzie, of the city of New York, in the State of New York, merchant, Thomas Henning, of the city of Toronto, Esquire, and the Reverend W. S. Ball, of the Town of Guelph, together with all such persons as may hereafter become shareholders in the Company hereby created, shall be, and they are hereby constituted a body politic and corporate, by the name of the "Globe Printing Company," and may by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and Equity; and by that name, they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure; may acquire for themselves and successors, under any legal title whatsoever, property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof from time to time, as occasion may require, for such price or prices, and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate for the purposes of this Act; provided always, that the real estate held by the said Corporation at any one time, shall not exceed, in annual value, the sum of five thousand dollars.

2. The said Corporation is hereby constituted for the purpose of purchasing and acquiring from the said George Brown the printing establishment and business owned and now carried on by him in the city of Toronto, with the real and personal estate, and the copyrights, good will, interests and assets connected therewith, upon such terms and conditions as may be agreed on between the said Corporation and the said George Brown; and to carry on the said business of printing, publishing, stereotyping, engraving, wood cutting, lithographing, and book-binding; and to deal in and vend all articles of merchandise connected therewith.

3. The capital stock of the said Company shall be three hundred thousand dollars, divided into six hundred shares of five hundred dollars each; and the said stock shall be deemed personal estate, and shall be transferable in such manner only and subject to such conditions and restrictions as by the By-laws of the Company shall be prescribed.

4. The Shareholders of the Company shall have full power in all things to administer the affairs of the Company, and to make By-laws regulating the issue and registration of Certificates of Stock, the transfer of Stock, the declaration and payment of dividends, the number of Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the place or places where the annual meetings of the Company shall be held and where the business of the Company shall be conducted,—the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same.

Power to make By-laws; and for what purposes.

And to repeal or alter them.

5. Every Shareholder in the Company shall be entitled to one vote for each share he may hold in the capital stock of the Company at least one month prior to the time of voting.

One vote for each share.

6. A copy of any By-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such By-law in all Courts of law and equity in this Province.

Copy of any by-law to be evidence.

7. To enable the Corporation to carry out the objects before mentioned, the said George Brown, John Gordon Brown, George Mackenzie, Thomas Henning and W. S. Ball, are hereby constituted Provisional Directors of the Company, and, as such, authorized to conduct and carry into effect all arrangements and agreements for the purchase and acquisition, on behalf of the Company, of the Printing establishment and business in the second section of this Act mentioned, upon such terms and conditions as may be agreed on between the said Provisional Directors and the said George Brown; and so soon as the agreement for such purchase and acquisition shall have been completed, the said Provisional Directors, three of whom shall constitute a quorum, shall have power and authority to manage the affairs of the Company, until Directors, under the provisions of this Act, shall be elected in their place; and the said Provisional Directors shall have power to open Stock-books, receive subscriptions of Stock or Shares, and generally to do all matters and things necessary for the full organization and working of the Company.

Provisional directors and their powers.

Quorum.

Stock-books.

8. So soon as the whole of the capital stock shall have been subscribed, the Provisional Directors shall call a General Meeting of the Shareholders in the city of Toronto, of which meeting not less than ten days' notice shall have been given, by

First general condition of shareholders.

by public advertisement in the *Globe* newspaper, for the purpose of passing By-laws for the management of the affairs of the Company, the election of Directors, the appointment of Officers, and generally for the exercise of the powers conferred on the Shareholders by the fourth section of this Act.

Election of
Directors, &c.

Powers of
directors.

9. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Provisional Directors shall cease and determine.

Failure of
election not to
dissolve the
Company.

10. If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company, duly called for that purpose.

General annual
meetings.

Accounts to be
submitted.

11. The general annual meeting of the Company shall be held on the third Wednesday in January in each year; and at such meeting a full and detailed statement of the financial affairs of the Company, up to the thirty-first day of December, of the year then last past, shall be submitted to the Stockholders, and shall appear in the books of the Company, and be open for the inspection of the Shareholders.

Annual esti-
mate of value
of stock.

Company and
shareholders to
have a prefer-
ential right to
purchase shares
offered for sale
or transmitted
by bequest,
&c., at such
valuation.

12. At each annual meeting it shall be the duty of the Shareholders present to estimate and establish by resolution the then actual value of the shares of the stock of the Company, such estimate to be based on the financial result of the operations of the Company as exhibited by the statement of its affairs then before them; and in case at any time during the next ensuing year, any shares in the stock of the Company are offered for sale, or the sale thereof has not been entered on the books of the Company, or have become transmitted by bequest, inheritance, the marriage of a female Shareholder, or in any other way whatsoever, then the said Company or any one or more of the Shareholders of the said Company shall, during two months next after such sale, offer for sale, or transmission has been notified to the Company, have the privilege of acquiring such shares so to be sold, or so transmitted as aforesaid, upon payment or tender of the price of such shares calculated at the value thereof, as established at the then last annual meeting, the Company having the first preference of purchase, and then the Shareholders, after such delay for deliberation on the part of the Company, and in such order and on such conditions as regards the respective Shareholders as may be fixed by the by-laws of the Company.

Books to be
kept.

13. The Company shall cause a book or books to be kept by the Treasurer, or by some other Officer specially charged with that duty, wherein shall be kept recorded:

1. A correct copy of the Act incorporating the Company, as also, of any and every By-law thereof; What to contain, by-laws.

2. The names, alphabetically arranged, of all persons who are or have been Shareholders; Names.

3. The address and calling of every such person, while such Shareholder; Addresses.

4. The number of shares of stock held by each Shareholder; Shares.

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and— Transfers.

6. The names, addresses and calling, of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director. Directors.

14. No transfer of Stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferree liable *ad interim* jointly and severally with the transferor, to the Company and their creditors,—until entry thereof has been duly made in such book or books. Effect of transfer limited until entered.

15. The stock and transfer book shall, during reasonable business hours of every day, except Sundays and Statutory Holidays, be kept open for the inspection of Shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such Shareholder, creditor or representative, may make extracts therefrom. Books to be open to stockholders and creditors of Company.

16. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any Shareholder. Effect as evidence.

17. Every director, officer or servant of the Company who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry and for each such refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby. Penalty for making untrue entries.

18. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the Shareholder in whose name the same may stand in the books of the Company shall be Company not bound to see to Trusts on shares.

be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Contracts, &c.,
by the Com-
pany; how to
be executed.

Proviso: as to
bank-notes.

Liability of
shareholders,
limited.

Proviso: a
Printer and
Publisher to be
named to be
responsible in
any criminal
prosecution for
libel.

As to stock
held by persons
in a represen-
tative capacity.

19. Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected to any individual liability whatsoever to any third party, therefor; provided, always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

20. The Shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof; provided always that among the officers of the Company there shall be a Printer and Publisher who shall be held responsible in any criminal action for libellous matter complained of as having been published in the said "Globe" newspaper, or the said "Canada Farmer;" and at least one in each month the said newspaper and agricultural journal shall contain a notice in a prominent part thereof, of the full name and residence of the party holding such office as Printer and Publisher; and the said Printer and Publisher shall in like manner be held responsible in any criminal action for libellous matter complained of as having been printed and published in any book, pamphlet, or other printed matter issuing from the establishment of the said Globe Printing Company.

21. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a Shareholder, but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act,
and

and holding such stock in his own name ; and no person holding such stock as collateral security by an instrument disclosing the conditional nature of the transfer, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a Shareholder accordingly.

22. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a Shareholder and shall be eligible as a director; and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer, may nevertheless represent the same at all such meetings, and may vote accordingly as a Shareholder.

Voting in such Stock.

23. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively ; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware therefore and able so to do, enter on the minutes of the Board of Directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Penalty for paying dividends when Company is insolvent, &c.

How any Director may avoid such liability.

24. No loan shall be made by the Company to any Shareholder, and if such be made, all Directors and other officers of the Company making the same, or in any wise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also to third parties, to the extent of such loan, with legal interest,—for all debts of the Company contracted from the time of the making of such loan to that of the re-payment thereof.

Penalty for lending money to stockholders

25. The Charter of the Company shall be forfeited by non-user during three consecutive years, at any one time, or if the Company do not go into actual operation within three years after it is granted ; and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such Charter.

Forfeiture of charter by non-user.

26. The corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactment hereafter to be passed respecting incorporated companies.

Company to be subject to any general Act.

27. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXIV.

An Act specially to incorporate the Rossin House Hotel Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Rossin House Hotel Joint Stock Company, (limited), have by their Petition represented, that they are an incorporated company under the provisions of chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, and in order to extend their powers and enable them to complete their establishment and carry on their business more effectually, they desire to have their incorporation changed and to be brought within the operation of a special Act of Incorporation; And whereas, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Existing Company specially incorporated.

1. Upon, from and after the passing of this Act, the shareholders in the said Rossin House Hotel Company, that is to say, the Honorable George Brown, the Honorable William McMaster, James G. Worts, Casimir Stanislaus Gzowski, John McDonald, the Honorable John Ross, Alexander Manning, the Honorable David Lewis McPherson, Benjamin Homer Dixon, Frank Shanly, George Macaulay Hawke, James Walsh, Adam Crooks, Henry Werlich, and Lewis Moffatt, of the city of Toronto, Esquires, and all such other persons as are now shareholders in the said company heretofore incorporated as aforesaid, together with all such persons as shall become shareholders in the same after the passing of this Act, shall be and continue to be, and they are hereby ordained and declared to be a body corporate and politic, for all and every the purposes hereinafter mentioned, by and under the name, style and title of the "Rossin House Hotel Company", and all the property and estate, real and personal, and the rights, powers and privileges of the said Company heretofore conferred by the Charter granted to them under the provisions of the said Chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, shall immediately after the passing of this Act become vested in the Company incorporated by this Act, and the Company incorporated by this Act shall become and be bound by all the contracts and obligations, and liable for all the debts and liabilities of the said company so incorporated under the Act before cited, and upon and after the passing of this Act the said Company incorporated under the name of the Rossin House Hotel Joint Stock Company, limited, under the Act before cited shall cease to exist, and the same and its several rights, powers, privileges and property is and are hereby merged, as in this Act provided, into the Rossin House Hotel Company incorporated by this Act.

Corporate name.

Transfer of rights, powers and liabilities.

2. The said Company may erect and construct, in the City of Toronto, a public Hotel and other buildings necessary thereto and may continue to hold and enjoy such as it has erected and constructed before the passing of this Act, and may maintain and carry on the business of hotel keepers in the said buildings, or may lease the same, in whole or in part, for the carrying on of the said business, and may reserve such portions of the said buildings as may be thought fit for occupation by tenants as shops and stores.

Business of the Company.

3. The said Company may in its corporate name continue to hold its real estate situate, lying and being in the City of Toronto, and may purchase and hold any adjacent or other real estate there which it may be necessary for it to purchase and hold in order the better to fulfil the purposes of this Act, and may from time to time sell, alien and convey any of its real estate no longer required for the purpose of the business carried on by the company.

Purchase, holding and sale of real estate.

4. The said Company may borrow money to the extent of three-fourths of its capital for the purpose of carrying on its establishment, when at any general or special meeting of shareholders called in accordance with the By-laws of the Company, and on notice for that purpose, a vote to that effect shall be carried by two-thirds of the votes at the said meeting, recorded personally or by proxy; and as security for moneys so borrowed by the said Company, the said Company may mortgage the whole or any part of its real estate to an amount not exceeding two-thirds of its actual value, and may sell or mortgage all its personal estate, chattels and effects, and may issue debentures pledging all the real and personal estate of the said Company for payment of principal and interest accruing due on the same; provided always that said debentures are for amounts not less than one hundred dollars, and that a certificate of the number and amount of such debentures, as they are issued under the seal of the Company and signature of the President or Secretary, shall be filed in the office for the registration of titles to land in the city of Toronto, which certificate shall be open to inspection of any person on the payment of twenty-five cents for each inspection.

Power to borrow money and mortgage property, &c.

Proviso: as to amounts and registration of debentures.

5. The following subsections of the fifth section of the said chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, shall be incorporated with and form part of this Act, that is to say, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third subsections thereof.

Certain sections of 27, 28 V. c. 23, incorporated with this Act.

First Directors
of the Com-
pany.

6. The first Directors of the said company shall be Casimir Stanislaus Gzowski, James G. Worts, the Honorable John Ross, Robert Cassells and Frank Shanly, and they shall hold office until the first general meeting of shareholders, that would be held in accordance with the by-laws of the Company heretofore existing and incorporated under the said chapter twenty-three of the statutes of Canada, twenty-seventh and twenty-eighth Victoria; and the by-laws of the said company so incorporated under the said Act shall be the by-laws of the said company incorporated by this Act until the same shall have been repealed or amended in accordance with the provisions of the seventh subsection of the above mentioned fifth section of the said Act.

Present By-
laws continued
until altered.

Capital and
Shares.

7. The capital of the company shall be the sum of one hundred thousand dollars, in shares of two hundred dollars each; and the stock of the said Company, incorporated under the said Chapter twenty-three of the Statutes of Canada, twenty-seventh and twenty-eighth Victoria, shall be taken to be and shall be entered on the books of the Company incorporated by this Act, as stock thereof, and the present holders of such stock shall have credit thereon for whatever sums may have been paid thereon and shall only be liable further upon and to the amount still unpaid at the passing of this Act, upon the said stock by them respectively held in the Company so incorporated under the said Act.

Limitation of
liability of
shareholders.

Subscriptions
for stock.

8. All persons who may hereafter desire to become holders of any share or shares in the capital stock of the said Company before the said capital sum of one hundred thousand dollars shall wholly be subscribed and allotted, may sign the stock book which may be opened for that purpose, and such stockholders shall in respect of the stock so subscribed in the books of the Company incorporated by this Act, have all the rights and privileges of the original stockholders in the company incorporated under the said chapter twenty-three of the statutes of Canada, twenty-seventh and twenty-eighth Victoria.

Certificates of
stock.

9. The Directors shall not issue any certificate of stock on which less than the full sum of two hundred dollars per share has been paid.

Public Act.

10. This Act shall be deemed a Public Act.

CAP. CXV.

An Act to amend the Acts relating to the "Canada Landed Credit Company."

[Assented to 15th August, 1866.]

WHEREAS the Canada Landed Credit Company created and constituted a corporation by the Act passed in the twenty-second year of Her Majesty's reign, chaptered one hundred and thirty-three, which said Act was amended by the Act passed in the said twenty-second year, chaptered one hundred and five, have prayed for certain alterations and amendments to the said Acts, and for increase of the powers of the said Company; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

22 V. (1858),
c. 133.22 V. (1859),
c. 106.

1. So much of the Acts cited in the preamble to this Act, as may be inconsistent with or repugnant to the provisions of this Act shall be and is hereby repealed.

Inconsistent
enactments
repealed.

2. It shall be lawful for the said Company to receive money on deposit for such periods, and at such rates of interest as may be agreed on; provided always, that the aggregate amount of such deposits, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of mortgages at such time held by the said Company, nor be more than one million of dollars.

Deposits on
interest.Proviso: ag-
gregate
amount limit-
ed.

3. No shareholder in arrear for thirty days or more after the day fixed for the payment of any call, shall be entitled to receive any dividend payable in respect of the amount of such call for the half year during which the default occurs.

No dividend to
shareholders in
arrear.

CAP. CXXVI.

An Act to enable the Canadian Loan and Investment Company incorporated under the Imperial Companies Act of 1862 (twenty-five and twenty-six Victoria, chapter eighty-nine), to sell and dispose of certain lands, tenements and mortgage securities, held by them in Upper Canada.

[Assented to 15th August, 1866.]

WHEREAS the Canadian Loan and Investment Company, (Limited,) have been incorporated under the provisions of the Imperial Companies Act 1862, (twenty-five and twenty-six Victoria, chapter eighty-nine of the Statutes of the United Kingdom), and have by their petition applied for an Act of Incorporation in this Province for certain purposes; and whereas

Preamble.
Recital.

the said Company in the course of their business, did on the eighteenth day of November, one thousand eight hundred and sixty-three, at the City of London, England, lend and advance to John Gladstone and Thomas Hall Gladstone, of the City of London, merchants, the sum of twenty thousand pounds sterling money of Great Britain; and whereas the said John Gladstone and Thomas Hall Gladstone did, by two certain indentures bearing date respectively the said eighteenth day of November, one thousand eight hundred and sixty-three, grant, bargain and sell to the said the Canadian Loan and Investment Company (limited), their successors and assigns, certain lands and tenements in Upper Canada, and certain mortgage securities on other lands and tenements in Upper Canada, for securing the payment of the said sum of twenty thousand pounds sterling money of Great Britain; and whereas the said the Canadian Loan and Investment Company (limited), have by their petition prayed for an Act of Incorporation, to enable them to hold and if necessary to sell and dispose of the said lands, tenements and mortgage securities, and of the lands mentioned in said mortgage securities, and upon payment of the mortgage moneys by the several mortgagors to discharge the said mortgage securities, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company empowered to hold certain lands; and to collect certain mortgage moneys, &c.

1. The said Canadian Loan and Investment Company (limited) and their successors shall be, and the same are hereby declared to be a body politic and corporate, under the name and style of the "Canadian Loan and Investment Company (limited)," with power to possess and enjoy the said lands and tenements conveyed and transferred to the said Company, or intended so to be by the said John Gladstone and Thomas Hall Gladstone, or which have been or may hereafter be conveyed by them or by any other person for securing payment of the said debt, and in default of payment of the mortgage moneys secured and payable by the said deeds of the said eighteenth day of November, one thousand eight hundred and sixty-three, or by any other deed to be made by any of the said parties, to take all such steps as may be necessary for compelling payment of the said mortgage moneys, and to bring any suit in equity, or action at law, for foreclosing the said mortgages, or for collecting the said moneys, and for foreclosing the said assigned mortgage securities upon non-payment of the moneys secured thereby, and with no other power whatsoever, except for the purposes mentioned in the preamble to this Act.

And to grant valid discharges of mortgages, &c.

2. The said Company shall have and they are hereby declared to have full power and authority to release and discharge any mortgage or mortgages transferred and assigned to the said Company by the said John Gladstone and the said Thomas Hall Gladstone; and it is hereby declared and enacted

enacted that all releases and discharges of any of the said mortgages which may have been heretofore executed by the said Company, or by any person or persons acting as attorneys or attorney for the said Company, shall be valid and effectual for revesting the title to the mortgaged lands and premises conveyed or assigned by any mortgage so released and discharged, in the mortgagor, his heirs and assigns.

3. The said Company shall have and they are hereby declared to have full power and authority to nominate and appoint any person or persons as they may think fit, and from time to time to cancel any such appointment, and to nominate any other person or persons to be the true and lawful attorney or attorneys of the said Company for the purpose of granting and conveying any of the said lands, and of releasing and discharging any of the said mortgages, and all conveyances and releases executed under the hand and seal of such attorney or attorneys, in the name of the said Company, shall be valid and effectual to all intents and purposes as if the same had been executed under the seal of the said Company.

Appointment
of attorneys by
the Company.

4. This Act shall be deemed to be a Public Act.

Public Act.

C A P. C X X V I I .

An Act to amend the Charter of the Quebec Fire Assurance Company.

[Assented to 15th August, 1866.]

WHEREAS it is advisable to amend the Act incorporating The Quebec Fire Assurance Company, and the said Company have petitioned for such amendments: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. All the powers, privileges and rights conferred on the Corporation incorporated under the name of The Quebec Fire Assurance Company, by virtue of an Act of the Parliament of Lower Canada, passed in the ninth year of the reign of His late Majesty King George the Fourth, and of an Act of the Parliament of Canada amending the same, passed in the eighteenth year of the reign of Her Majesty Queen Victoria, chapter two hundred and twelve, shall be extended and continue to be in full force and effect, and are hereby extended and continued, subject to all the provisions and conditions in the said Acts contained, until the first day of May, one thousand eight hundred and eighty-eight; provided always, that the foregoing enactment shall not take effect unless it be approved and accepted by three-fourths in number and value of the Shareholders of the Company present at a meeting called for the purpose

Acts relating to
the Company
continued until
1st May, 1888.

Proviso: for
approval by
shareholders.

purpose before the expiration of the existing charter of the Company.

Company to be
subject to any
general Act.

2. The corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactment hereafter to be passed with reference to Insurance Companies or the business of Insurance.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. CXXVIII.

An Act to amend the Act incorporating the Quebec Marine Insurance Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS on the petition of the said Company to that effect, it is advisable to amend the Charter of the Quebec Marine Insurance Company, as follows : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Powers ex-
tended to Fire
Insurance.

1. All the powers conferred by their Act of Incorporation on the said Company to make insurance connected with marine risks, and risks of navigation and transportation by water or railway, shall also extend, and they are hereby extended, to make insurances against all risks and against all damage or loss by fire of all sorts, nature and description.

Name
changed.

2. The name of the Company shall be the Quebec Marine and Fire Insurance Company.

Previous in-
crease of
capital.

3. No risks against fire shall be taken by the said company until the present stock of the company be subscribed for to the extent of four hundred thousand dollars, (including that already subscribed) nor until one hundred thousand dollars, including what has already been paid up, shall be paid up.

How and when
a shareholder
may withdraw
from the Com-
pany.

4. Any shareholder of the said company may withdraw from the said company at any time within three months from and after the first taking by the said company of a risk against damage or loss by fire, such withdrawal to be effected by notice in writing of the shareholder's desire to withdraw from the company being given to the secretary thereof; and upon and after the receipt of any such notice by the secretary, the shareholder giving the same shall be entitled to receive and recover from the company the amount of all payments made by him on account of his shares in the same.

Shares.

5. The shares of the said company shall consist of twenty-five dollars each.

6. In case of a vacancy in the number of directors, the remaining directors shall fill the same at one of the weekly meetings of the Board, or at a special meeting called for the purpose, and a majority of the Board shall be necessary to confirm the election to fill such vacancy.

How vacancies among the Directors shall be filled.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXIX.

An Act to incorporate "The Union Insurance Company of Canada."

[Assented to 15th August, 1866.]

WHEREAS Walter Shanly, Gerhard Lomer, James A. Glassford, Duncan Macdonald, Walter Macfarlane, J. G. Tranchemontagne, George Winks, Charles D. Proctor, Thomas W. Griffith, Nelson Davis, Ignace Beak, W. S. Childs, and others, have petitioned the Legislature that an association, under the style and title of "The Union Insurance Company of Canada," may be incorporated, to enable parties owners of or interested in property to insure the same against loss by fire, and also to carry on the business of Marine and Inland Navigation Insurance and Life Assurance generally; and whereas such associations are greatly beneficial to the interests of this Province, and tend to the retaining therein a large portion of the moneys annually sent away for such assurances: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble,

1. All such persons as now are, or hereafter shall become, stockholders of the said association shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name, by the style and title of "The Union Insurance Company of Canada," and shall be capable in law of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the rules and conditions hereinafter mentioned.

Certain persons incorporated.

Corporate name and powers.

2. A share in the stock of the said Company shall be fifty dollars, and the capital of the Company shall be two millions of dollars; and books of subscription shall be opened in the city of Montreal, and in such other of the principal cities and towns of Canada and the Lower Provinces as the Directors shall see fit, of which public notice shall be given by such person or persons and under such regulations, as the majority of the Directors hereinafter appointed shall direct; provided always, that it shall and may be lawful for the said Corporation to increase its capital stock to a sum not exceeding four millions of dollars, as a majority of the stockholders at a meeting to be expressly convened for that purpose shall agree upon.

Value of Shares and amount of capital.

Provision for Increase thereof.

Subscription
for shares.

Proviso : ten
per cent in
cash.

Forfeiture of
shares for non-
payment.

Proviso : as to
sale of shares
forfeited.

In case of
payment of
arrears.

Actions for
arrears.

Form of
declaration.

3. It shall be lawful for any person or persons, or body politic, to subscribe for such and so many shares as he, she or they may think fit, and ten dollars per cent. thereon may be called for by the Directors as soon as they may deem expedient, and the remainder shall be payable in such instalments as the majority of the Directors may determine upon; provided always, that no instalment shall exceed ten per cent. upon the capital stock in any period of four months, nor be called for nor become payable in less than sixty days after public notice shall have been given in one newspaper published in the city of Montreal and in the *Canada Gazette*, and by circular addressed to each stockholder at his, or her last known residence; if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due on any share or shares held by him, her or them at the time required so to do, such stockholder or stockholders as aforesaid shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the said Directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act; provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and interest, together with the expense of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses; the Directors shall also have power to enforce the payment of such calls by law.

4. If payment of such arrears of calls, interest and expenses be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, as if such calls had been duly paid; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the said Company to declare in an action of debt in manner following:

"For that whereas the defendant heretofore, to wit: on the _____ day of _____, was indebted to the Union Insurance Company of Canada, in the sum of _____, for divers calls and dues upon certain stock and shares of the said Company held by defendant before, then due and unpaid upon the said stock and shares, and being so indebted then became liable to pay the said amount to the said plaintiffs, to ask and demand the same from the defendant, yet the defendant although often requested, hath not paid the same or any part thereof, to the plaintiffs' damage of _____ wherefore they bring the suit, &c."

5. And it shall only be necessary to prove that the defendant was owner of some shares in the Company, that such calls were in fact made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls, nor any other matter whatsoever.

What proof shall suffice.

6. Provided that if the whole number of shares shall not be subscribed for, within one month after the said books of subscription shall be opened, then it shall be lawful for any former subscriber or subscribers to increase his, her or their subscription; And provided further, that if the total amount of subscriptions within the period aforesaid shall exceed the capital stock, limited by this Act to two millions of dollars, then and in such case the shares of each subscriber of above ten shares shall, as nearly as may be, be proportionably reduced until the total number of shares be brought down to the limits aforesaid; And provided, nevertheless, that the said limitation, in respect to persons subscribing to the said capital stock, shall not extend or be construed to extend to prevent the acquisition of a greater number of shares by purchase, after the said corporation shall have commenced its operations.

Increase of subscriptions for shares.

Reduction of subscriptions.

Proviso: as to such limitation.

7. The corporation hereby erected shall have power and authority to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding and either sea-going or navigating upon lakes, rivers or navigable waters, against loss or damage by fire, water or any other risk whatever, and in like manner on any goods, chattels or personal estate whatsoever, whether on shore or afloat; under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters, and things connected with and proper to promote these objects.

Powers and business of corporation.

Fire and Marine Insurance.

Re-insurance.

8. The said corporation shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding, absolutely or conditionally, any lands, tenements, real or personal estate, and the same may sell, let, lease, transfer and dispose of, as to them shall seem expedient; Provided always that nothing in this Act contained shall be considered as permission to hold any real estate beyond the annual value of ten thousand dollars, or such as shall have been *bond fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; And provided also that it shall be lawful for the said corporation to purchase and hold, for the purpose of investing

Corporation may acquire and hold real estate.

Annual value of real estate.

Power to hold certain stocks, &c., as investments.

investing therein any part of the said funds or money, any of the public securities of this Province, the stocks of any of the banks or other chartered companies, and the bonds and debentures of any of the incorporated cities or towns, or municipal districts, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said company shall require, and also to make loans of the funds on bond and mortgage at any legal rate of interest, and with power to receive the same in advance and the same investments to call in and re-loan as occasion may require.

Provisional
directors.

9. The property, affairs and concerns of the said company shall be managed and conducted by a board of nine directors, one of whom shall be chosen president and one vice-president, which board, in the first instance and until other shall be chosen and appointed as hereinafter provided, shall consist of Walter Shanly, Gerhard Lomer, James A. Glassford, Duncan Macdonald, Walter Macfarlane, J. G. Tranchemontagne, George Winks, Nelson Davis, and William McNaughton, all of the city of Montreal, and which said Directors shall hold their offices until the election hereinafter provided for shall take place.

Election of
first board of
directors.

10. As soon as four hundred thousand dollars shall have been subscribed, and ten per cent paid in to some one of the present chartered Banks of this Province on account of the subscribed capital of the company, it shall and may be lawful for the shareholders or subscribers to proceed to the election by ballot of nine directors, at such time and place as the present board shall appoint, giving fifteen days' notice thereof in one newspaper at least in the city of Montreal, which directors shall be stockholders at the time of their election and during their continuance in office to the amount of twenty-five shares, and shall have power to choose from amongst themselves a president and vice president; and the said directors shall thereupon, at their first meeting thereafter, divide themselves by lot into three classes of three each, who shall go out of office in rotation as hereinafter provided; provided always, that the said Company shall not begin the business of insurance until at least one hundred thousand dollars is actually paid up.

Qualification
of directors.

Retirement of
Directors
in rotation.

Scale of votes.

Proxies.

Majority.

11. Each stockholder shall be entitled to one vote for each share which he or she shall have held in his or her name, at least one month, prior to the time of voting; and all votes given at any meeting may be either personally or by proxy, the holders of such proxies being stockholders authorized by writing under the hands of the stockholders nominating such proxies, and every proposition at any such meeting shall be determined by a majority of the votes of the parties present, including proxies.

12. If any director of the said corporation shall die, resign or become disqualified, or incompetent to act as a director, or shall cease to be a director through any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place any stockholder duly qualified to be a director, and the stockholder so elected to fill up any such vacancy shall continue in office until the first yearly meeting after such vacancy, and the stockholders then present shall elect a new director, who shall hold office for the same period as the director would have done, whose death, resignation or disqualification caused the vacancy.

Case of vacancy among directors.

13. A general meeting of the shareholders of the said company shall be held in the city of Montreal, on such day in each and every year, as a majority of the said directors shall appoint, after giving thirty days' notice thereof; and at such meeting the three directors, whose names stand first on the list of directors, shall be held to vacate their seats, and the stockholders present at such meeting, either in person or by proxy, shall proceed to elect, by ballot, three directors to serve as directors for the ensuing year, who shall, upon election, be placed at the bottom of the roll of directors; provided always, that nothing herein contained shall be held to render the retiring directors ineligible for re-election.

Annual general meetings.

Election of three Directors.

Proviso.

14. At the annual general meeting of the company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property and securities, shewing the amount of real estate, in bonds and mortgages and other securities, or in public debt or other stock, and the amount due to and by the said company.

Annual statement of affairs.

15. If it shall happen at any time, or for any cause, that an election of directors shall not be made on any day when, pursuant to this Act or the ordinances of the Company, it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws or ordinances of the Company, and the directors in office shall so continue until a new election shall be made.

Failure to elect directors not to operate a dissolution.

16. Any number of Directors of the said company, being a majority of the said Directors, shall have full power and authority to make, prescribe and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the company, the rates and amount of assurance and issuing of policies, the management and disposition of its stock, property, estate and effects, and also to call in any instalment or instalments at such times and seasons as they shall see fit, giving due notice thereof as hereinbefore

Directors may make by-laws, &c.,

Appointment of
managing
director, &c.

Proviso:

Payment of
part of profits to
policy holders.

Proviso.

Meetings of
board of direc-
tors.
Quorum.

Casting vote.

Proviso: as to
Quorum at
such meetings.

Signing of
policies, &c.

hereinbefore provided ; and also to declare and cause to be paid or distributed to the respective stockholders of the company any dividend or dividends of profit, at such times and seasons as they shall deem expedient ; and also to appoint a managing director, secretary and treasurer, or any of them, with such salary or allowances to each, as well as to the other officers or agents of the Company as may be thought reasonable, and to take security for the due performance of their respective duties as they shall think advisable ; provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or thing so done.

17. It shall be lawful for a majority of the said Directors, if they shall deem it for the interest of the said company, to return to the holders of policies or other instruments, such part or parts of the actual realized profits of the company, in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable, and to enter into obligations so to do either by endorsements on the policies or otherwise ; provided always, that such holders of policies or other instruments shall not be held to be in any wise answerable for the debts or losses of the said company, beyond the amount of the premium or premiums which may have been actually paid up by them.

18. There shall be a weekly or semi-monthly (as may be fixed by the By-laws of the company) meeting of the board of Directors of the said company, and any three or more of the said Directors shall be a quorum for the purpose of transacting and managing the details of the business and affairs of the said company ; and at all meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President, Vice President or presiding Director, shall give the casting vote over and above his proper vote as a Director ; provided always, that nothing herein contained shall be construed to authorize the making, altering or repealing of any By-laws or Ordinances of the said Company, or calling in any instalments of stock, or declaring dividends of profits, or the appointment of managing Director, Secretary or Treasurer, or the appointments of salaries to, or the taking of securities from, officers or agents of the said Company, by any less number of Directors, or in any other manner than is hereinbefore mentioned and provided.

19. All policies, checks or other instruments issued or entered into by the said Company, shall be signed by the president, vice president or managing director and countersigned by the secretary, or as otherwise directed by the rules and regulations

regulations of the Company, in case of their absence, and being so signed and countersigned, and under the seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

20. No transfer of any share of the said corporation shall be valid until entered in the books of the corporation, according to such form as the directors may, from time to time, determine, and until the whole of the capital stock of the said corporation is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; provided always, that no stockholder indebted to the said corporation shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the directors.

Transfer of
shares how
effected.

21. Any person, who, as Secretary, Clerk or other Officer of the Company, shall be guilty of any designed falsehood or fraud, in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors of the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other person, a member of the Company, to any appointment of a proxy, shall be guilty of a misdemeanor.

Misconduct of
officers, &c.

Misdemeanor.

22. In all actions, suits and prosecutions in which the said Company may be at any time engaged, any Officer or Stockholder in the said Company shall be a competent witness notwithstanding any interests he may have therein.

Officers, &c.
may be wit-
nesses in suits.

23. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further.

Liability of
shareholders
limited.

24. The present Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and seventy.

Forfeiture for
non user.

25. The corporate rights hereby conferred shall, at all times hereafter, be subject to the provisions of any general enactment hereafter to be passed with reference to Insurance Companies or the business of insurance.

Rights con-
ferred by this Act
to be subject
to future
legislation:

26. This Act is hereby declared a Public Act

Public Act.

CAP. CXXX.

An Act to extend and define the powers of the Savings Bank known under the name of *La Caisse d'Economie de Notre-Dame de Québec.*

[Assented to 15th August, 1866.]

Preamble.

WHEREAS it is expedient that "*La Caisse d'Economie de Notre-Dame de Québec,*" which has been conducted under the authority of the Act fourth and fifth Victoria, chapter thirty-two, relating to the establishment and regulation of Savings Banks, should be incorporated, with more adequate provisions for its management than are afforded by the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation and name.

1. From and after the passing of this Act, the said Savings Bank shall be a body corporate and politic under the corporate name of "*La Caisse d'Economie de Notre-Dame de Québec.*"

R. C. Archbishop of Quebec to be Patron, &c.

2. His Grace the Right Reverend the Roman Catholic Archbishop of Quebec or his Administrator for the time being, shall be *ex-officio* the patron of the said Corporation, and, if present, he shall preside at meetings of the honorary Directors.

Honorary Directors of the Institution.

3. The following persons, and such other persons as shall be hereafter appointed to the office of honorary Directors, but not exceeding in all seventy in number, shall be the honorary Directors of the said "*La Caisse d'Economie de Notre-Dame de Québec,*" namely: the Reverend Elzéar Alexandre Taschereau, V. G., Superior of the Seminary of Quebec and Rector of the Laval University; the Reverend Charles F. Cazeau, V. G.; the Reverend Joseph Auclair, *curé* of *Notre Dame* of Quebec; the Reverend Zéphirin Charest, *curé* of St. Rochs of Quebec; the Reverend Jean Langevin, Principal of the Normal School of Quebec; the Reverend Antoine Racine, officiating Minister of St. John's Church of Quebec; the Reverend B. McGauran, officiating Minister of St. Patrick's Church of Quebec; the Honorable Sir Narcisse F. Belleau; the Honorable Louis Panet; the Honorable Joseph Cauchon; the Honorable Antoine J. Duchesnay; the Honorable Ulric J. Tessier; the Honorable Elzéar J. Duchesnay; the Honorable Charles Alley; the Honorable Isidore Thibault; the Honorable M. P. de Sales Laterrière; the Honorable Luc Letellier de St. Just; the Honorable Hector L. Langevin; the Honorable François Evanturel; the Honorable Jean E. Gingras; the Honorable Charles Cormier; the Honorable Louis Massue; John Maguire, Esquire; Jacques Crémazie, Esquire, Recorder of Quebec; Olivier Robitaille, George H. Simard, Alexandre B. Sirois, Eugène

Eugène Chinic, Charles Cinq-Mars, Jean D. Brousseau, Michel Tessier, David Dussault, Grégoire O. Matte, Louis Fiset, Louis G. Baillairgé, Siméon Lelièvre, Jean E. Landry, Rémi F. Rinfret, Charles Langevin, Vital Têtu, Joseph Robitaille, Prudent Vallée, François O. Boisvert, Louis Bilodeau, Alexandre Lemoine, Jean Bélanger, Simon Roy, Eugène Panet, Abraham Hamel, Joseph Hardy, Joseph Hamel, Isaïe Gaudry, George S. Audette, Jérôme Gingras, Germain Roberge, Abraham Durant, Louis Amiot, François X. Piché, Pierre Gauvreau, Joseph Bussière, Olivier Martel, Romain Vallière, Ferdinand Gauvreau, Flavien Trudel, Joseph Corbin, Jean Paquet, Yves Tessier, François Vézina, Olivier Drolet and Flavien Babineau.

4. The Honorary Directors shall exercise a general supervision over the affairs of the said Corporation, and shall hold an annual meeting on the third Monday in June in each year, at which meeting shall be submitted to them the annual statement of the affairs of the said Corporation; and at such meeting the said Honorary Directors, or a majority of such of them as shall be present at such meeting, shall elect, by ballot, from among themselves, such persons to be the Managing Directors of the said Corporation as shall be necessary to supply the places of those Managing Directors whose office shall have become vacant as hereinafter provided.

Powers of
Honorary Directors.

Election of
managing Directors.

5. When any vacancy shall occur in the number of the Honorary Directors hereby created, by reason of death or permanent absence from this Province, such vacancy shall be filled by the Managing Directors, subject however, to the approbation of the Honorary Directors at their next annual meeting; at each annual meeting the Honorary Directors shall appoint from among themselves, two auditors not being Managing Directors, whose duty it shall be to make a full and complete examination of the books, accounts, securities and vouchers of the Bank, and to report thereon at the annual meeting of the Honorary Directors on the third Monday of June in each year; and the said Auditors shall have power to employ two accountants if necessary, and shall be afforded every facility by the Directors and officers of the Bank, for the purposes of their audit.

Vacancies
among Honorary Directors
how filled.

Auditors.

Report.

Audit.

6. No failure to elect Managing Directors or Honorary Directors shall operate any dissolution of the Corporation hereby created; but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Honorary Directors, which the Managing Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid.

Failure to elect
not to dissolve
the Corporation.

Present managing Directors continued for a certain time.

How to retire.

Elections to replace those retiring.

Casual vacancies now filled.

Term of office.

Election of President.

Quorum.

Who to preside at meetings.

Casting vote.

Oath of office of Directors.

7. The present Managing Directors of the said Savings Bank, "La Caisse d'Economie de Notre-Dame de Québec," namely: Olivier Robitaille, M. D., the Honorable Isidore Thibaudeau, George H. Simard, A. B. Sirois, Eugène Chinic, Charles Cinq-Mars, Jean D. Brousseau, Michel Tessier, David Dussault and Grégoire O. Matte, shall continue in office as Directors of the Corporation hereby created, until the third Monday of June, one thousand eight hundred and sixty-seven, when two of such Directors, to be determined by the Board of Directors by ballot, shall vacate their office of Director; and the eight other Directors shall remain in office as such until the third Monday in June, one thousand eight hundred and sixty-eight, when two other of such Directors to be selected in like manner shall retire, and so on every subsequent year for the six remaining other Directors; and as soon as any such Directors shall so vacate their office, an equal number shall be elected in the manner hereinbefore prescribed, for the term of five years; the Directors so retiring shall be eligible for re-election.

8. If any vacancy shall occur in the number of Directors, in the course of any year, such vacancy shall be filled by the other Directors by electing from among the Honorary Directors one of said Honorary Directors to act as a Director until the end of the year; but such election shall be made at a meeting of Directors called for that special purpose; and at the expiration of such year, the office of such Director shall become vacant, when another Director shall be elected in the manner prescribed by this Act, who shall hold office during the period during which the Director whose place had become vacant would have been entitled to hold office as such Director; but the Director so ceasing to be such Director shall be eligible for re-election.

9. The said Directors, at their first meeting every year, shall elect from among themselves, by a majority of votes, the President and two Vice-Presidents of the said Corporation, who shall respectively hold office till the election of their successors; and five of such Directors shall form a quorum for the transaction of business; and at every meeting of such Directors, the President, or in his absence one of the Vice-Presidents shall preside, and if neither of them be present, some other one of the Directors present shall be appointed *pro tempore* to do so; and the President, Vice-President or other presiding Director shall not vote as Director, but in the event of an equality of the votes, he shall have a casting vote.

10. Every Director of the said Corporation shall, immediately after his election, take an oath before a Justice of the Peace, faithfully to perform his duties as such Director; which oath, all Justices of the Peace of the District of Quebec are hereby authorized to administer, and which shall be in the following form, or in words to the same effect:

"I,

"I, A. B., of _____, being duly sworn, depose and say: Form.
 "that so long as I shall continue to be a Director of
 "I will faithfully perform the duties of that office to the best of
 "my judgment and ability. And I have signed.

. A. B.

"Sworn before me, at _____ this _____ day of
 "1866."

"C. D.,
 "A Justice of the Peace for the District of Quebec."

11. Any managing or honorary Director of the said Corporation who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for twelve consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director of the said Corporation, and the vacancy so created shall forthwith be filled up as hereinbefore provided.

Directors becoming insolvent, &c., to vacate.

12. It shall be lawful for the said Corporation to acquire and hold real estate for the purposes thereof, not exceeding the yearly value of four thousand dollars; and also such real estate as may be temporarily acquired by the said Corporation to facilitate and secure the recovery of any loan; and to sell and alienate the same and acquire other instead thereof; provided always, that the limitation hereby established may be extended by an order of the Governor in Council.

Corporation may acquire real estate.

Limitation.

Proviso.

13. The Directors of the said Corporation shall have power to make, ordain and establish the rules and regulations, and, from time to time, to add to or change the same, binding on the said Corporation, Directors and Officers thereof and on the depositors therein, as to them shall seem fit and necessary for the due and proper administration of the affairs of the said Corporation, and for the protection and advantage of the depositors therein, and for the regulation of its Directors and officers, and its good government generally; and until such By-laws shall be so made, the By-laws, rules and regulations of the said Bank, now in force, shall remain valid and binding; provided always that the By-laws, rules and regulations to be made under this Act shall not be contrary to any express provision of law; provided also that they shall have no force or effect unless approved of by a majority of Honorary Directors present at any annual or at any special meeting called for the purpose of considering such By-laws, and until they shall have been fairly entered in a book kept in the office of the said Corporation, for that purpose, which book shall be open at all times during the business hours of the said Corporation, to the inspection of the depositors therein.

Directors to make Rules and Regulations.

Proviso.

Proviso: for approval by Honorary Directors.

Power to appoint officers, &c.

Proviso for security and oath of office.

14. The Directors of the said Corporation shall have power to appoint, and, when necessary, to remove and replace by others, the officers, clerks, and servants, as they may think it proper for the management of the business thereof, and shall award to them such remuneration as they shall deem fit; provided always, that every such officer, clerk or servant, who shall be entrusted with or have the custody of any moneys or valuable securities of the said Corporation, shall, before entering upon his duties, take an oath to the faithful discharge thereof, before a Justice of the Peace for the District of Quebec, any one of whom is hereby authorized and required to administer the same, which oath shall be similar in form to that hereinbefore prescribed for the Directors of the said Corporation; and shall also give such security either personal or by way of any incorporated institution, for the faithful discharge of his duties, and for the due accounting for all moneys and securities aforesaid as shall be required of him by the Directors.

Remuneration of President, Vice-Presidents, &c.

Proviso.

15. It shall be lawful for the Directors, by any By-law to be made as hereinbefore provided, to provide for the remuneration of the President, Vice-Presidents, and Managing Directors and Auditors of the said Corporation, for their attendance at meetings of Directors and for their general superintendence of the affairs of the said Corporation; provided always, that such remuneration shall only be so awarded out of the net revenue of the year, of the Bank, after payment of all expenses and of all interest due to depositors, and shall not, in the total amount thereof, exceed four thousand dollars in any one year.

Special meetings of Honorary Directors.

16. The President, or any person acting in his place, is hereby authorized to convene a special meeting of the Honorary Directors whenever the Directors shall deem it expedient; he shall also be required to convene a special meeting whenever called upon to do so by a requisition signed by not less than fifteen Honorary Directors, at least six days previous notice being given to the said Directors.

Receiving deposits and investing moneys.

Interest.

17. It shall be lawful for the said Corporation to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the Depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall, from time to time, be fixed by the Directors.

Duty of depositors.

18. Every depositor, whether male or female, on making his or her first deposit in the said Corporation, shall disclose and declare his or her name, residence, quality and occupation.

19. It shall be lawful for the said Corporation to receive deposits from any person or persons whomsoever, whatever be his, her or their *status* or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding; provided always, that if the person making any deposit in the said Bank be not, by the existing laws, authorized to do so, then in that case, the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Persons not otherwise qualified may be depositors.

Proviso.

20. It shall be lawful for the said Corporation to invest any moneys not exceeding three-fourths of the whole sum deposited therewith, in any debentures issued under the authority of any Act of the Provincial Parliament, or in any other public security of this Province, or in the stock of any Bank chartered by any Act of the Legislature of either of the late Provinces of Lower or Upper Canada, or of the Province of Canada, or by Royal Charter.

In what securities moneys may be deposited.

21. It shall be lawful for the said Corporation to loan any moneys upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature above mentioned, or any stock in incorporated Building Societies be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the said Corporation shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate; provided always, that nothing herein contained shall prevent the said Corporation from taking security upon real estate in addition to such collateral securities, subsequent to the making of the loan, and subsidiary to the security originally taken therefor.

Power to loan moneys.

Proviso.

Proviso.

22. In the event of the said Corporation making any loans upon personal securities with collateral security or securities for the repayment of said loans, if the repayment is not made upon such loans becoming due, it shall be lawful for the said Corporation, upon such loans becoming due and remaining unpaid for sixty days after they shall so become due, to cause such collateral securities to be exposed for sale by public auction, after due advertisement of such sale, and after notice thereof shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to his residence, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper; and the said Corporation shall only be bound to

Power to sell collateral securities in case of non-payment of loans.

Accounting for proceeds.

Proviso.

account to the person or persons indebted to them in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all charges thereon; provided always, that nothing herein contained shall prevent the said Corporation from collecting or realizing such debt, or any balance which may be due thereon, on such collateral securities, in any other way that the Directors may deem for the interest thereof.

Reserve Fund :
of what to consist.

23. It shall be lawful for the Directors to create a reserve fund to serve as security for the depositors in the said Corporation against loss by the investments made in their behalf, which reserve fund shall consist of the profits of the said Corporation arising out of such investments, after payment to the depositors of such rate of interest as shall be fixed by the said Directors, and after due provision for the liquidation of all expenses of management, debts and deposits, and after making suitable provision for the liquidation and payment of such debts, deposits and interest, any other or further sum of money may be appropriated out of the net revenue of the year in which such appropriation shall be made, and paid over to any charitable institution in this Province by law established or incorporated; provided always that such appropriation be concurred in by at least five of the Managing Directors of the said Corporation, present at a meeting called for the purpose of discussing such appropriation.

Surplus revenue how applied.

Proviso.

Provision in case of transmission of the rights of any depositor.

24. If the interest in any deposit in the said Corporation becomes transmitted in consequence of the death or bankruptcy of any depositor, or in consequence of the marriage of a female depositor, or by any other lawful means than by a transfer upon the books of the said Corporation, or by deed signified upon the said Corporation, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a Judge or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the manager or other officer or agent of the said Corporation, who shall thereupon enter the name of the party entitled to such deposit under such transmission, in the books of the said Corporation, as proprietor of such deposit; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive any deposit or any part thereof or of the interest thereon; provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a deposit in the said Corporation,

Declaration and before whom to be made.

Proviso : how made in foreign countries.

Corporation, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative; and provided also that nothing in this Act contained, shall be held to debar the Directors, Manager or other officer or agent of the said Corporation from requiring corroborative evidence of any fact or facts alleged in any such declaration; provided always, that if payment be made to any depositor of any deposit or of any interest thereon, after transmission thereof, by any of the means mentioned in this or the last preceding section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Corporation.

Proviso.

Proviso.

25. If the transmission of any deposit be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor, the probate of the Will, or, if it be notarial, an authentic copy thereof, or the letters of administration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration be produced and left with the Manager or other officer or agent of the Corporation, who shall thereupon enter the name of the party entitled under such transmission in the books of the Corporation.

If the transmission be by marriage.

If by will, or by intestacy.

26. The said Corporation shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the depositors therein may be subject; and the receipt of the party in whose name any such deposit shall stand in the books of the said Corporation, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the said Corporation for such deposit, interest thereon, or for other sum of money payable in respect of such deposit, unless such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole notwithstanding any trust to which such deposit may then be subject, and whether or not the said Corporation have had notice of such trust; and the said Corporation shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Corporation not bound to see to trusts.

Payments to certain parties to be valid.

27. Any payment of interest or of the whole or any part of any deposit made in good faith to any person or persons appearing *prima facie* to be entitled to such interest or deposit, by the production of a declaration in writing, and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient, and shall discharge the said Corporation from all or any further claim by any person whomsoever for such interest or deposit.

Punishment of officers of the Corporation defrauding it in any way.

28. If any director, manager, clerk or servant of the said Corporation shall change, deface, alter, erase or in any other manner or way, change the effect of the books of account of the said Corporation, or any entry in the said books of account, for the purpose of defrauding the said Corporation or any of the depositors therein; or if any such director, manager, clerk or servant, shall secrete, appropriate, embezzle, convert or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects belonging to the said Corporation or to any depositor therein, or entrusted to him, or in his custody, as such director, manager, clerk or servant, whether the same belong to the said Corporation or belong to any person or persons, body or bodies, politic or corporate, or institution or institutions, lodged and deposited with the said Corporation, the Director, Manager, clerk or servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years, in the discretion of the Court before which he shall be convicted.

And of persons fraudulently claiming deposits.

29. Any person who shall pretend to be owner of any deposit in the Savings Bank, or of the interest on such deposit, or of any part or portion of such deposit or interest, and not being such owner, shall fraudulently demand or claim, from the said Corporation, the payment of such deposit or interest, or of such portion thereof, as the case may be, shall be guilty of a misdemeanor.

Transfer of rights and liabilities to the Corporation.

30. All the investments, moneys, debts and other assets of the said Savings Bank "La Caisse d'Economie de Notre-Dame de Québec," which now belong or are due to them, of every nature and kind whatsoever, are hereby transferred to and vested in the Corporation hereby created; which Corporation is hereby declared to be subrogated by virtue of this Act, in and to all and every the actions, rights, privileges and *hypothèques* of the said Savings Bank "La Caisse d'Economie de Notre-Dame de Québec," the whole subject to all rights, obligations and claims due by or lawfully chargeable against the said Savings Bank "La Caisse d'Economie de Notre-Dame de Québec," the Corporation being hereby made directly liable

to any creditor of or claimant upon the said Savings Bank "La Caisse d'Economie de Notre-Dame de Québec," for such rights and claims in the place and stead of the said Savings Bank "La Caisse d'Economie de Notre-Dame de Québec."

31. The Directors of the said Corporation shall make an annual statement to the Governor, wherein shall be given a detailed account of the number of depositors, and total amount of deposits; the amount invested in Banks, specifying the names of such Banks; the amount deposited with Banks at interest, specifying the names of such Banks; the amount vested in public securities, specifying the nature of such public securities; the amount loaned on the collateral security of Bank or Building Societies' Stocks and public securities, and the amount, if any, secured by mortgages on real estate; also the amount of debts overdue and in process of collection, the total accrued interest for the year, and the annual amount of the expenses of the Institution; all of which shall be sworn to by the Manager or by the Secretary and Treasurer, and by the Managing Directors or a majority of them, who shall make oath that the said return is correct, according to the best of their knowledge and belief; and it shall be lawful for the Governor in Council, at any time, to appoint an Inspector whose duty it shall be to investigate and report upon the affairs of the said Corporation, to whom the Directors thereof shall afford all needful facilities for such inspection and investigation; and in case any mis-statement of the financial position of such Bank is made in any such annual statement, the Directors thereof, for the time being, concurring in such report or statement, shall be personally liable to the depositors in such Bank, for the amount of their deposits therein; and provided always that nothing contained in this Act shall exempt the said Savings Bank "La Caisse d'Economie de Notre-Dame de Québec" from the operation of any general law which may hereafter be enacted for the better regulation and management of Savings Banks in this Province.

Annual returns to Government to be made and what they must show.

How attested.

Governor in Council may appoint an Inspector, &c.

Proviso: corporation to be subject to any general Act.

32. Wherever the word "Director" occurs in this Act without being immediately preceded by the word "Honorary," the same shall be construed as if the word "Managing" were prefixed thereto.

Interpretation.

33. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXXI.

An Act to incorporate the Society called *La Caisse d'Epargnes de la Section St. Joseph de la Société de Tempérance de Montréal.*

[Assented to 15th August, 1866.]

Preamble.

WHEREAS an association under the name of *La Caisse d'Epargnes de la Section St. Joseph de la Société de Tempérance de Montréal*, has existed for some time past, in the city of Montreal, having for its object, among other things, the aid of its members in case of sickness; and whereas the members of the said association have prayed to be incorporated with certain powers, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. Charles S. Rodier, André Lapierre, Joachim Dubrue, Théophile Robert, Adolphe Leroux, Damase Bériau, François Fresne, Louis Fortin, Auguste Denis, together with such other persons as now are or may hereafter become members of the said society, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *La Caisse d'Epargnes de la Section St. Joseph de la Société de Tempérance de Montréal*, and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate, being and situate in Lower Canada, necessary for the actual use and occupation of the said corporation, and the said property to hypothecate, sell, alienate and dispose of and to acquire other instead thereof, for the same purposes, so as the yearly value of such property does not at any time exceed two thousand dollars; and any majority of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interest of the said corporation, and for the admission of members thereof, and the same as also such by-laws and regulations of the institution as may be in force at the passing of this Act, to amend or repeal from time to time, in whole or in part.

Corporate name and powers.

Real property limited.

By-laws.

To what purposes only the funds shall be applied.

2. Provided always that the rents, revenues and profits arising out of every description of property belonging to the said corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the

the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

3. The affairs and business of the said corporation shall be managed by a committee of management composed of the officers of the said corporation, consisting of a President, two Vice-Presidents, a Secretary and Assistant Secretary, a Treasurer, a Collecting Treasurer and Assistant Collecting Treasurer, a Chaplain, a Physician, and two *Commissaires Ordonnateurs*, five of whom shall constitute a quorum for the transaction of business.

Committee of management.

Quorum.

4. All real and personal estate at present the property of the Association, or which may be hereafter acquired by the members, in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said association; and the rules, regulations, and By-laws, now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations, and By-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Transfer of property and liabilities to the Corporation

Present rules, &c., continued until altered.

5. No person otherwise competent to be a witness in any suit, action or prosecution in which the said corporation may be a party or interested, shall be deemed incompetent to be such witness, by reason of his being or having been a member or officer of the said corporation or association.

Witnesses in suits.

6. All subscriptions of members due to the corporation under any By-law, all penalties incurred under any By-law, by any person bound thereby, and all other sums of money due to the corporation shall be paid to the Treasurer thereof, and in default of payment, may be recovered in any action brought by him in the name of the corporation in any court of competent civil jurisdiction; provided always, that nothing herein contained shall prevent any member from withdrawing from the said corporation at any time, after payment of all arrears due to the said corporation by him, and after having given written notice of his intention to withdraw from the corporation, to the Secretary.

Subscriptions how recoverable.

Proviso: a member may withdraw after paying up.

7. In the event of the withdrawal or expulsion of any member from the corporation, such member shall forfeit thereby all rights and benefits theretofore enjoyed by him as such, and all payments of subscriptions made by him shall become the property of the corporation.

Effect of withdrawal.

Returns to Government.

8. The corporation shall, at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of their property, and of their receipts and expenditure, for such period and with such details and information as the Governor or either branch of the Legislature may require.

Public Act.

9. This Act shall be deemed a Public Act.

C A P . C X X X I I .

An Act to authorize the amalgamation of the Western Counties Permanent Building and Savings Society, with the Huron and Erie Savings and Loan Society.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Western Counties Permanent Building and Savings Society have petitioned for an Act to authorize the amalgamation of the said Society with the Huron and Erie Savings and Loan Society, and it is advisable to grant such powers to the said Society: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How the amalgamation shall be effected and its legal effect.

1. Upon execution by the President and Treasurer for the time being of the Western Counties Permanent Building and Savings Society, and by the President and Treasurer for the time being of the Huron and Erie Savings and Loan Society, of a declaration to the effect that it is their intention that an amalgamation of their two Societies shall thereupon take place, and upon such declaration being filed in the office of the Clerk of the Peace for the County of Middlesex (for which the said Clerk shall be entitled to receive the sum of fifty cents), the Western Counties Permanent Building and Savings Society shall forthwith be amalgamated with, and shall merge in the Huron and Erie Savings and Loan Society, and all the real and personal estate, property, assets and effects, and all titles, securities, instruments and evidences, and all rights and claims of, or belonging to the Western Counties Permanent Building and Savings Society, shall vest in the Huron and Erie Savings and Loan Society, and shall thenceforward, for all purposes of bringing or defending actions or suits, civil or criminal, and for all other purposes whatsoever, be deemed to be and shall be stated to be the property of the President and Treasurer of the Huron and Erie Savings and Loan Society, or of the President and Treasurer of the said Permanent Building Society, as the case may be, for the use of such Society so amalgamating with the Western Counties Permanent Building and Savings Society under the provisions of this Act, in the same manner and to the same extent to which the property now of any such Society is stated, deemed and taken to be the property of its President and Treasurer, and the Huron and Erie Savings and Loan Society, shall have

have the same, and such powers, rights and privileges in relation to the said property of all descriptions as the Western Counties Permanent Building and Savings Society now has, or shall have at the time of such amalgamation ; but no suit, action or prosecution being carried on, or power being exercised in the names of the President and Treasurer of the Western Counties Permanent Building and Savings Society shall be discontinued, or abated by or on account of such amalgamation, but shall continue in their names, and the Huron and Erie Savings and Loan Society, shall have the same rights and liabilities, and shall pay or receive like costs, as if the action, suit or prosecution had been commenced, or been defended in the names of the President and Treasurer of the Huron and Erie Savings and Loan Society, for the benefit, or to be satisfied out of the Huron and Erie Savings and Loan Society.

2. The holders of what are known as accumulating shares, being shares subscribed for investment but not yet matured, or paid up in full, in the Western Counties Permanent Building and Savings Society, shall upon such amalgamation be and become shareholders of a like degree in the Huron and Erie Savings and Loan Society as fully and effectually to all intents and purposes as if they had originally subscribed for their stock in the Huron and Erie Savings and Loan Society instead of the Western Counties Permanent Building and Savings Society, and shall in all things be subject to the same rules and entitled to the same rights and privileges as the original shareholders of the Huron and Erie Savings and Loan Society ; provided, however, that such shares shall not be credited with or receive any of the profits of the Huron and Erie Savings and Loan Society made anterior to the amalgamation, and shall be and remain credited with such sum as they shall, at the date of the amalgamation, be credited with as profits in the books of the Western Counties Permanent Building and Savings Society.

As to holders of accumulating shares in the Western Counties Permanent Building and Savings Society.

3. The creditors of the Western Counties Permanent Building and Savings Society shall upon such amalgamation be and become to all intents and purposes creditors of the Huron and Erie Savings and Loan Society, and shall have and be entitled to the same rights and privileges as creditors of the Huron and Erie Savings and Loan Society, as they previously had been and were entitled to as creditors of the Western Counties Permanent Building and Savings Society.

As to creditors of the said Society.

4. The shares known as permanent or invested shares in the books of the Western Counties Permanent Building and Savings Society shall, upon such amalgamation, be and become invested shares and fixed or permanent capital in the Huron and Erie Savings and Loan Society, in the same manner and under the same rules as if the same had originally been subscribed in the Huron and Erie Savings and Loan Society and had become such invested shares or fixed permanent capital therein on the day

As to permanent and invested shares in the said Society.

Proviso, for
conversion of
such shares.

Conditions of
such conver-
sion.

When this
Act shall come
into force.

Public Act.

day of the said amalgamation; provided, however, that any of the holders of such shares may, nevertheless, at any time within three months from the date of such amalgamation, convert the whole or any number of their permanent shares into an equal number of paid up accumulating shares, being shares subscribed for investment but not yet matured, and of the class which matures last according to the rules of the said Huron and Erie Savings and Loan Society, which shall not be withdrawable from the said Huron and Erie Savings and Loan Society before the expiration of the said period for their maturing save with the consent of the Directors thereof, and such conversion shall be effected by the member who intends to effect the same, subscribing in respect of such shares to the rules of the Huron and Erie Savings and Loan Society, in the usual way as when subscribing for shares, and at the same time declaring his intention in writing to convert such permanent shares into paid up accumulating shares, withdrawable from the Huron and Erie Savings and Loan Society on their maturing according to the rules of the said Society.

5. This Act shall be subject to and shall not come into force or effect until approved of by a vote of two-thirds of the shareholders of each Society aforesaid, present in person or by proxy, at the meeting to be specially held for that purpose.

6. This Act shall be deemed a Public Act.

C A P. C X X X I I I .

An Act to amend the Acts respecting the College of Regiopolis, and to erect the same into an University.

[Assented to 15th August, 1866.]

Preamble.

Act of U. C.
7 W. 4. c. 56.

WHEREAS the College of Regiopolis, in the City of Kingston, in the Province of Canada, has by its petition represented, that by an Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His Majesty King William the Fourth, chapter fifty-six, and intituled: *An Act to incorporate certain persons therein named as a Board of Trustees for the erection, superintending and management of a Roman Catholic College at Kingston, to be known by the name of the College of Regiopolis, and for other purposes therein mentioned*, certain land therein mentioned was conveyed to and vested in Trustees for the erection, support and maintenance of a Roman Catholic Seminary, and the said Trustees and their successors were thereby declared to be a body corporate and politic by the name of *The College of Regiopolis*, and it was enacted that the Trustees should have power at all times thereafter to make such rules and regulations not repugnant to the laws of this province, as might be necessary for the due management of the said land and also of the Roman Catholic Seminary

Seminary to be erected thereon ; and further that the provisions in the Act contained for the appointment of Trustees to fill the place of any dying, resigning or becoming incapable of acting, have been found inconvenient, and that it is desirable to have other provisions made in lieu thereof in such respect, and that it has also been found desirable that the rank and privileges of an University may be conferred on the said College ; and has prayed that provisions may be enacted for the purpose of providing trustees for the purposes contemplated by the said Act, and that an University may be established in connection with the said College, to be known by the name of " The University of Regiopolis," with the usual rank, powers and privileges incidental to universities ; and whereas it is expedient that the prayer of the said petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The second section of the said Act, made and passed in the seventh year of the reign of King William the Fourth, is hereby repealed. Sect. 2, repealed.

2. The Very Reverend George A. Hay, the Very Reverend Oliver Kelly, the Reverend Edmund P. Roach and the Reverend John O'Brien, are hereby declared to be, together with the Roman Catholic Bishop of Kingston and the Very Reverend Angus Macdonell, Trustees for the purposes of the said Act hereinbefore mentioned ; and whenever it shall happen that any one or more of the Trustees herein named shall die or become resident abroad, or shall resign his trust or become incapable of acting therein, it shall and may be lawful for the remaining Trustees to elect and appoint others, being clergymen of the Roman Catholic religion, resident in Upper Canada, to complete the number of six Trustees for the purposes contemplated by the said Act, in accordance with the terms and provisions of the Deed of Conveyance in the said Act mentioned ; and all vacancies that shall from time to time happen in and among the said trustees shall be filled up in like manner ; provided always, that the omission to elect and appoint new Trustees upon any such vacancy shall not operate as a forfeiture of the land in the said Act mentioned. Trustees under the said Act, appointed.
Filling Vacancies.
Providio.

3. For and notwithstanding anything contained in an Act of the Parliament of Canada, passed in the eighth year of Her Majesty's reign, chaptered seventy-nine, and intituled : *An Act to authorize the conveyance of certain real estates to the College of Regiopolis, and to enable the said College to acquire and hold real property to a certain amount*, the College of Regiopolis shall and may hold real estate, the rents, issues and profits whereof shall not exceed twenty-five thousand dollars per annum. Extent of real estate increased.

Bishops, Professors and Trustees incorporated.

4. The Roman Catholic Bishop of Kingston and the Principal and Professors of the College of Regiopolis, and the Trustees mentioned in the second section of this Act for the time being, and their successors, shall be a body corporate, by and under the name of the University of Regiopolis, with the powers vested in corporate bodies by the Interpretation Act.

Name.

Visitor.

5. The Governor shall, on behalf of Her Majesty, be Visitor of the said University.

Senate of University.

6. The said Bishop of Kingston and the Principal and Professors of the said College, and the Trustees aforesaid, for the time being, shall constitute the Senate of the said University, and shall in that capacity have the management of and superintendence over the affairs and business of the University.

Senate to make Statutes.

7. The Senate may, from time to time, make and alter any Statutes not being repugnant to the laws of Upper Canada :

Examination.

1. Touching the examination for degrees, or for scholarships, prizes or certificates of honor, and

Degrees.

2. The granting of such degrees, scholarships or certificates, and

Fees.

3. The fees to be paid by the candidates for examination or upon taking any degree, and

Application.

4. The application of such fees, and

Meetings.

5. Touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof, and

Officers.

6. The appointment of examiners, officers and servants of the said University, and in like manner the removal of any of them, and

Examinations.

7. Touching the time and the mode of holding an examination of the candidates as aforesaid, and of the subjects of such examination, and

General purposes.

8. Generally for promoting the purposes of the said University, touching all other matters regarding the same, or the business thereof, or for any purpose for which provisions may be required for carrying out the same according to its intent and spirit.

Standard of attainments for degrees.

8. The Statutes of the Senate, with respect to the Literary and Scientific attainments of persons obtaining degrees or certificates of honor, and their examination, shall, in so far as circumstances will, in the opinion of the Senate, permit, be similar to those at present in force for like purposes in the University

University of London, to the end that the standard of qualification in the University of Regiopolis may not be inferior to that at present adopted for a like degree or certificate of honor in the University of London; Provided always, that any Statute passed for the purposes mentioned in this section, shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor, and such Statute shall have interim force and effect, and shall have full force and effect unless such Statute be dissallowed by the Visitor, and such dissallowance signified through the Provincial Secretary within three months after such deposit as aforesaid.

Proviso: Statute must be approved by Visitor.

9. All such Statutes shall be reduced into writing, and the common seal of the University shall be annexed thereto, and they shall be binding upon all members or officers of the University, and upon all candidates for degrees, scholarships, prizes or certificates of honor, to be conferred by the said University, and upon all others whom it may concern.

Statutes, on whom to be binding.

10. All questions which come before the Senate shall be decided by a majority of the members present, but in case of equality of votes the chairman shall have, in addition, a casting vote.

Majority to decide.

11. At every meeting of the Senate, the Bishop, or in his absence the Principal of the College, shall preside as chairman, or, in the absence of both, a chairman shall be chosen by the members present or a majority of them; and no question shall be decided at any meeting unless a majority of the Senate are present at the time of such decision, nor shall any meeting be legal unless held at the times or convened in the manner provided for by Statute to be passed as aforesaid.

President at meetings.

Quorum.

12. The Senate may, after examination, confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and may examine for medical degrees in the four branches of medicine, surgery, midwifery and pharmacy; and such reasonable fees shall be charged to the candidates for examination for degrees, or for certificates of honor as aforesaid, and shall be paid and applied, as the Senate from time to time determine.

Senate may grant degrees.

Fees.

13 Each examiner may be required to make the following declaration before the said Bishop or the Principal of the said College:

Declaration of Examiner.

"I solemnly declare that I will perform my duty of Examiner without fear, favor, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all."

Form.

Senate may
grant prizes,
&c.

14. The Senate may, according to regulations previously made and published, grant scholarships, prizes and rewards, to persons who distinguish themselves at their examination.

Senate to re-
port to the
Governor.

15. The Senate of the University shall report to the Governor, at such time as he may appoint, on the general state, progress and prospects of the University, and upon all matters touching the same, with such suggestions as they think proper to make; and the Senate shall also at all times, when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the University; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Reports to be
submitted to
Parliament.

Public Act.

16. This Act shall be deemed a Public Act.

C A P . C X X X I V .

An Act to incorporate the College of Saint Jerome, in the Town of Berlin.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS His Lordship the Right Reverend John Farrell, D. D., Roman Catholic Bishop of Hamilton, Eugene Funcken, Edward Glowalski, Francis Breitkoff, Louis Funcken, Ludwick Ellena, and other persons of the County of Waterloo, have, by their petition, represented to the Legislature that for some time past a College has been established in the said County of Waterloo, for the education of youth in the usual branches of a Collegiate Education, and have prayed that corporate powers may be conferred on the said College; and in consideration of the great advantages to be derived from the said establishment it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The said College, which shall be composed of the Right Reverend John Farrell, D. D., Roman Catholic Bishop of Hamilton, the Reverend Eugene Funcken, the Reverend Edward Glowalski, the Reverend Francis Breitkoff, the Reverend Louis Funcken, and the Reverend Ludwick Ellena, and their successors, together with all such necessary officers as may be hereafter appointed under the provisions of this Act, and their several and respective successors, shall be and is hereby constituted a body politic and corporate, in deed and in name, by and under the name of the "Corporation of the College of Saint Jerome, Berlin," and by that name shall have perpetual succession and a common seal, and by that name may, from time to time and at all times hereafter, purchase, acquire, hold, possess

Corporate
name.

possess and enjoy, and may have, take and receive for them and their successors, to and for their actual use and occupation only, any lands, tenements and hereditaments, and real or immovable property and estate within this Province, so as the annual value of the same does not exceed five thousand dollars (\$5,000); and the same may sell, alienate and dispose of, whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate or interest therein, by gift, devise or bequest, not exceeding the like annual value of five thousand dollars (\$5,000), and may hold such estate and interest therein for a period of not more than seven years; and the same or any part or portion thereof or interest therein, which may not, within the said period, have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities for the use of the Corporation.

Lands for use of corporation.

Other lands to be held only for a limited time.

2. The Board of Directors of the Corporation for the time being shall have power to frame a Constitution for the said Corporation, and to alter the same when it shall be deemed expedient, and to make all such By-laws, rules and regulations, for the admission into and general management of the said Corporation, not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and for the payment of officers and employes, and, generally, for all purposes relative to the conduct and well-working of the Corporation and the management and business thereof, and from time to time to repeal, alter and amend such By-laws or any of them; and shall have power to appoint such officers and servants as they deem right for the management of the said College, and to remove them at pleasure and appoint others in their places; and shall and may do, execute and perform, all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject, nevertheless, to the rules, regulations, restrictions and provisions hereinafter prescribed and established.

Boards of Directors and their powers.

3. The rents, revenues, issues and profits of all property, real and personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the said Corporation, the construction and repair of the buildings requisite for the purposes of the said Corporation and to the advancement of education, by the instruction of youth and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

To what purposes only the revenues shall be applied.

4. All and every the estate and property, real and personal, belonging to the members of the said Institution, as such, or hereafter

Property and debts of the

Institution transferred to corporation, &c.

hereafter to be acquired by the said Institution, and all debts, claims and rights whatsoever due to the said members in that quality, shall be and are hereby vested in the Corporation hereby established; and all debts due by the said members in their said quality shall be paid and discharged by the said Corporation, and the By-laws, rules, orders and regulations now made for the management of the said institution shall be and continue to be the By-laws, rules, orders and regulations of the said Corporation, until altered or repealed in the manner herein provided for.

Appointing attorneys, officers, &c.

5. The Corporation shall have power to appoint such attorney or attorneys, administrator or administrators of the property of the Corporation, and such officers, teachers and servants as shall be necessary for the well conducting of the business and affairs thereof, and to allow them compensation for their services; and shall be capable of exercising such other powers and authority for the well governing and ordering of the officers of the said Corporation as shall be prescribed by the By-laws, rules, orders and regulations of the said Corporation.

Filling vacancies.

6. In case of any vacancy occurring in the number of the members of the Board, by absence from the Province, death, resignation or otherwise, such vacancy shall and may be filled up, from time to time, by the remaining members of the said Corporation, within six months after the occurrence of such vacancy or vacancies.

Returns to Government.

7. The Corporation shall at all times, when thereunto required by the Governor or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

8. This Act shall be deemed a Public Act.

C A P . C X X X V .

An Act to amend the Acts incorporating "The College of Ottawa," and to grant certain privileges to the said College.

[Assented to 15th August, 1866.]

Preamble.

187. c. 107.

WHEREAS the Corporation of the College of Ottawa have, by their petition, set forth that the said institution was incorporated by Act of Parliament of this Province in the year one thousand eight hundred and forty-nine, and hath since that time continued in full and successful operation; that in the opinion of the petitioners the time has arrived when the usefulness of the said institution might be more widely extended by conferring on the said institution the status and powers

powers of an university ; and whereas it is desirable to grant the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. For and notwithstanding anything contained in an Act of the Parliament of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and seven, the said corporation shall have power to hold, possess and enjoy real property and estate not exceeding in yearly value the sum of four thousand pounds, currency, and may from time to time, as may be deemed advisable for the interest, progress and success of the said college, mortgage the real estate which the said corporation owns, or which at any time or times hereafter it may acquire.

Real estate increased.

Power to mortgage.

2. For the purposes hereinafter mentioned, the President of the said college, the Bursar of the said college, the Professor of Divinity of the said college, the Professor of Philosophy of the said college, the Professor of Rhetoric of the said college, the Professor of Belles-Lettres of the said college, and the Prefect of Studies of the said college, together with the *ex officio* members hereinafter named, shall constitute the " College Senate."

College Senate appointed.

3. The Roman Catholic Bishop of Ottawa shall be *ex-officio* a Member of the " College Senate."

R. C. Bishop to be a member.

4. The College Senate shall have power and authority, after proper examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy ; and such reasonable fees shall be charged to the candidates for examination for degrees as the College Senate shall, by statute or order in that behalf, from time to time determine, and such fees shall be paid into the general fund of the said corporation.

Power of College Senate to grant degrees.

Fees.

5. Once, at least, in every year, at a time or times to be fixed by the College Senate, the College Senate shall cause to be held an examination of the Candidates for Degrees, Scholarships, or Prizes ; and at any such examination the candidates shall be examined by examiners appointed for the purpose by the College Senate, and at every such examination the candidates shall be examined orally or in writing or otherwise, and in as many branches of general knowledge as the College Senate shall consider the most fitting subjects for such examination ; and special examinations may be held for honors, and such examinations shall be open and public ; but the first examination of candidates for degrees shall not be held until proper arrangements are made for carrying out the provisions

Annual examinations.

Proviso : as to first examination.

of this Act ; and the College Senate shall, so soon as such arrangements are made, appoint, by resolution, the time for the first examination to be held.

Standard of attainment for Degrees.

Proviso : Statute must be approved by Visitor.

Statutes ; on whom to be binding.

Appointment of examiners.

Declaration by examiners.

Form.

Senate may grant scholarships, prizes, &c.

Meetings of College Senate to make rules, &c.

6. The Statutes of the Senate, with respect to the literary and scientific attainments of persons obtaining degrees or certificates of honor, and their examination, shall, in so far as circumstances will, in the opinion of the Senate, permit, be similar to those at present in force for like purposes in the University of London, to the end that the standard of qualification in the University of Ottawa may not be inferior to that at present adopted for a like degree or certificate of honor in the University of London ; Provided always, that any statute passed for the purposes mentioned in this section shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor, and such Statute shall have interim force and effect, and shall have full force and effect unless such statute be disallowed by the Visitor, and such disallowance signified through the Provincial Secretary, within three months after such deposit as aforesaid.

7. All such statutes shall be reduced into writing, and the common seal of the University shall be annexed thereto, and they shall be binding upon all members or officers of the University, and upon all candidates for degrees, scholarships, prizes or certificates of honor, to be conferred by the said University, and upon all others whom it may concern.

8. The College Senate shall have power to appoint, by Statute or resolution, and from time to time, as there shall be occasion, to remove in like manner, all examiners of the said college.

9. The examiners may be required to make the following declaration before the president of the said college :

" I solemnly declare that I will perform my duty of examiner
" without fear, love, or affection, or partiality towards any
" candidate, and that I will not, knowingly, allow to any
" candidate any advantage which is not equally allowed to
" all."

10. The College Senate may grant scholarships, prizes and honors to persons who shall distinguish themselves at their examinations ; and all such scholarships, prizes and rewards shall be granted according to regulations previously made and published.

11. The College Senate shall meet at the College Buildings, in Ottawa, from time to time, and at such times as they shall by statute appoint, and for carrying the provisions of this Act fully into effect, shall have power and authority to make and

pass such statutes, rules, orders and regulations as may be deemed advisable, and to alter, vary and change the same.

12. The President of the corporation of the said College of Ottawa shall be chairman of the College Senate, or, in his absence, a chairman shall be chosen by the members present, a majority of them ; and no question shall be decided at any meeting unless a majority of the Senate are present at the time of such decision, nor shall any meeting be legal unless held at the time or convened in the manner provided for by statute to be passed as aforesaid.

President of
College to be
chairman of
Senate.

Quorum.

13. All questions which shall come up before the College Senate shall be decided by the majority of the members present ; but in case of equality of votes, the maxim *præsumitur pro negante* shall prevail.

Questions how
decided.

14. The Governor shall, on behalf of Her Majesty, be Visitor of the said University.

Governor to be
Visitor.

15. The College Senate of the University shall report to the Governor, at such time as he may appoint, on the general state, progress and prospects of the University, and upon all matters touching the same, with such suggestions as they think proper to make ; and the Senate shall also at all times, when summoned required by the Governor, inquire into, examine and report upon any subject or matter connected with the University ; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the next session thereof.

Senate to
report to Gov-
ernor.

To be laid
before Par-
liament.

16. This Act shall be deemed a Public Act.

Public Act.

C A P. C X X X V I.

An Act to amend the Act incorporating Belleville Seminary, and to confer on the same University powers, in so far as regards Degrees in Arts.

[Assented to 15th August, 1866.]

WHEREAS it has been represented by petition in behalf of the Belleville Seminary, an institution of learning, in the Township of Thurlow, near the Town of Belleville, in this Province, incorporated by an Act of the Parliament of this Province passed in the twentieth year of Her Majesty's reign, after one hundred and eighty-four, and intituled : *An Act to incorporate Belleville Seminary*, that it has been found desirable at the said name, "Belleville Seminary," be changed to "Albert College" ; and whereas it has been prayed that the change of name above specified, be made, and that University powers, so far as relates to Degrees in Arts, be conferred on the said

Preamble.

said College, with the usual rank, powers and privileges relating to Degrees in Arts incidental to Universities; and whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 30 V. c.
184, to apply to
Albert College.

1. All the provisions of the original Act of Incorporation of Belleville Seminary, chaptered one hundred and eighty-four, in the Statutes of this Province passed in the twentieth year of Her Majesty's reign, and intituled: *An Act to incorporate Belleville Seminary*, shall remain, with reference to Albert College, in full force and effect, as they have been up to the passing of this Act, with reference to Belleville Seminary.

Visitor.

2. The Governor shall, on behalf of Her Majesty, be Visitor of the said Albert College.

Senate of the
College.

3. The Bishops of the Methodist Episcopal Church in Canada, the Principal and Professors of the said College, the Reverend G. Shepard, the Reverend S. W. Ladu, the Reverend J. Gardiner, the Reverend Wm. Brown, the Reverend M. Benson, the Reverend Geo. Abbs, the Honorable John Ross, M. L. C., the Honorable Lewis Wallbridge, Speaker of the Legislative Assembly, the Honorable William Buell Richards, Chief Justice of the Court of Common Pleas for Upper Canada, Wm. Hope, M. D., and Wm. Nichol, M. D., shall constitute the Senate of the said Albert College, and shall in that capacity have the management of and superintendence over all the affairs and business of said College not already under the direction of the Board of Management, as provided in the aforesaid original Act of Incorporation of Belleville Seminary.

Powers.

Vacancies how
filled.

4. Any vacancies occurring in the Senate from removal from the country, resignation, death or other cause, may be filled, or any additional appointments to the Senate may be made by the general Conference of the said Methodist Episcopal Church, by and with the approval of the Visitor of the College.

Senate may
pass statutes
for certain pur-
poses.

5. The Senate may, from time to time, make and alter any statutes not being repugnant to the laws of Upper Canada;

Examination.

1. Touching the examination for degrees or for scholarships, prizes or certificates of honor; and

Degrees.

2. The granting of such degrees, scholarships or certificates; and

Fees.

3. The fees to be paid by the candidates for examination or upon the taking any degree; and

Application.

4. The application of such fees; and

5. Touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof; and Meetings.

6. The appointment of Examiners of the said College, and in like manner the removal of any of them; and Examiners.

7. Touching the time and the mode of holding an examination of the Candidates as aforesaid, and of the subjects of such examination; and Examination.

8. Generally for promoting the purposes of the said College, touching all other matters regarding the same, or the business thereof, or for any purpose for which provision may be required for carrying out the same according to its intent and spirit, such business not being already under the charge of the Board of Management of said College. General purposes.

6. The Statutes of the Senate with respect to the literary and scientific attainments of persons obtaining degrees or certificates of honor, and their examination shall, in so far as circumstances will, in the opinion of the Senate, permit, be similar to those at present in force for like purposes in the Toronto University, to the end that the standard of qualification in the Albert College may not be inferior to that at present adopted for a like degree or certificate of honor in the Toronto University; Provided always that any statute passed for the purposes mentioned in this section shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor; and such statute shall have interim force and effect, and shall have full force and effect unless such statute be disallowed by the Visitor, and such disallowance signified through the Provincial Secretary within three months after such deposit as aforesaid. Standard of qualification for degrees.

7. All such statutes shall be reduced into writing, and the Common Seal of the College shall be affixed thereto, and they shall be binding upon all members or officers of the College and upon all candidates for degrees, scholarships, prizes or certificates of honor to be conferred by the said College, and upon all others whom it may concern. Statutes to be binding and on whom.

8. All questions which come before the Senate shall be decided by a majority of the members present, but in case of equality of votes the chairman shall have in addition a casting vote. Majority to decide questions in Senate.

9. At every meeting of the Senate the Bishop, or in his absence the Principal of the College shall preside as chairman, or in the absence of both, a chairman shall be chosen by the members present, or a majority of them, nor shall any meeting be legal unless held at the times or convened in the manner provided for by the Statute to be passed as aforesaid. Who shall preside.

Quorum.

10. Seven members of the Senate shall constitute a quorum for the transaction of business.

Degrees of B.
A. and M. A.

Fees.

11. The Senate may after examination confer the degrees of Bachelor of Arts and Master of Arts; and such reasonable fees shall be charged to the candidates for examination for degrees, or for certificates of honors aforesaid, and shall be paid and applied, as the Senate from time to time determine.

Examiner's
oath.

12. Each examiner may be required to make the following declaration before the said Bishop or the Principal of the said College :

Form.

" I solemnly declare that I will perform my duty of examiner without fear, favor, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all."

Prizes.

13. The Senate may, according to regulations previously made and published, grant scholarships, prizes and rewards to persons who distinguish themselves at their examination.

Reports to the
Governor on
the state of the
College, &c.

14. The Senate of the College shall report to the Governor at such time as he may appoint, on the general state, progress and prospects of the College, and upon all matters touching the same, with such suggestions as they think proper to make, and the Senate shall also, at all times when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the College; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. CXXXVII.

An Act to incorporate the Royal College of Physicians and Surgeons of Kingston.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS John R. Dickson, John Mair, Fife Fowler, Michael Lavell, Roderick Kennedy, Donald Maclean, Michael Sullivan and Richard A. Reeve, have by their petition prayed to be incorporated as a College of Physicians and Surgeons; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons
incorporated.

1. The said John R. Dickson, John Mair, Fife Fowler, Michael Lavell, Roderick Kennedy, Donald Maclean, Michael Sullivan

Sullivan and Richard A. Reeve, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of the "Royal College of Physicians and Surgeons of Kingston," and by that name shall have perpetual succession and a common seal, with power to break, alter or renew the same, and may by that name sue and be sued, plead and be impleaded in any courts of law or equity in this Province, and may purchase, lease, take and hold real estate and personal property, and may alienate and acquire other property instead thereof; provided always, that the said estate held by the said corporation does not exceed the value of twenty thousand dollars.

Corporate
name and pow-
ers.

Real estate
limited.

2. There shall be elected by and from among the members of the said corporation, a President, Registrar, Professors, and such other officers as may from time to time be deemed necessary for the purpose of this Act, and in such way and manner as the said corporation may in their By-laws direct, who shall hold their offices for such time as may be prescribed by the said By-laws.

Election of
officers.

3. Whenever any of the members of the said Corporation shall die or shall resign, or it shall be deemed advisable by the corporation to increase the number of members thereof, then the said Corporation shall proceed according to their By-laws, for that purpose made and enacted, to elect such additional members in the place and stead of those so dying or resigning, or as the case may be.

Vacancies,
how filled
up.

4. The said corporation shall have power to make such By-laws as may be necessary for the conduct of its affairs and business, the appointment and removal of its members, professors and officers, the government, education and certificates of its students, the admission of licentiates and fellows, and all other things necessary for carrying into effect the provisions of this Act, as to the members thereof shall from time to time appear expedient, and as shall not be in any wise repugnant to law, or inconsistent with this Act; provided always, that no member of the said corporation shall be removed, nor shall any professor be deprived of his office, save and except under the terms of the By-laws under which he was appointed, until after enquiry has been duly instituted upon charges or complaints made, and a two-thirds vote of the members of the corporation present at a meeting to be specially called for considering the same, recorded against him.

Power to
make By-laws.

Proviso: as to
removal of
members,
Professors, &c.

5. Whenever any student of the said College of Physicians and Surgeons shall, in his medical studies, and in all other particulars have complied with the requirements of the corporation of the said college, and of the existing, or any future law regulating the practice of the medical profession in Upper Canada, it shall and may be lawful for the corporation of the said

Certificates of
qualification
for registration.

said college to grant him a certificate of qualification, or diploma, or such other credential, any or either of which shall entitle him to registration.

College to be entitled to rights conferred on colleges by the Medical Act of U. C.

6. The said corporation of the said college of Physicians and Surgeons shall be entitled to all the rights and privileges conferred on the colleges mentioned in the fourth section of an Act passed in the last session of Parliament, intituled : *The Medical Act for Upper Canada* ; or by any future Act referring thereto, and shall and may transmit from time to time to the Registrar mentioned in the said Act, lists certified under their seal, of the several persons who in respect of qualifications granted by the said college, are for the time being entitled to be registered under the said Act, stating the respective qualifications and places of residence of such persons ; and it shall be lawful for the said Registrar thereupon, and upon payment of the fee mentioned in the said Act in respect of each person to be registered, to enter in the register the persons mentioned in the list, with their qualifications and places of residence as therein stated, without other application in relation thereto.

Fees.

College may affiliate with any University, as to degrees.

7. If at any time the said corporation of College of Physicians and Surgeons shall deem it advisable or expedient to procure for their students university honors or degrees in medicine, surgery and midwifery, it shall and may be lawful for such purpose to affiliate with any university empowered to grant degrees in this Province, upon such terms as the said college and such university may agree upon, and such university is hereby empowered to affiliate the said college with such university, and to grant such degrees.

Public Act.

8. This Act shall be deemed a Public Act.

C A P. C X X X V I I I.

An Act to amend the Act incorporating the Mercantile Library Association of Montreal.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Mercantile Library Association of Montreal have, by petition, represented that it would be for the interest of the said Association and the public, if the time of holding their Annual Meeting were changed from the first Monday in December, to the second Monday in April of each and every year ; and that the Officers of the said Association now in office should continue therein and exercise all acts relating thereto until the next Annual Election, to be held as hereinafter provided ; and have prayed such amendment ; and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : subject always to the provisions contained in the Act of Incorporation :

1. The time of holding the Annual Meeting of the said Association, for the Election of Officers and the transaction of other business, shall hereafter be the second Monday in April of each and every year, instead of as heretofore the first Monday in December. Time of Annual meeting changed.

2. The present Officers of the Association shall continue in office and shall exercise all powers relating thereto until the next Annual Meeting, to be held under the Act of Incorporation as amended by this Act. Present officers continued until next Annual meeting.

3. This Act shall be deemed a Public Act.

Public Act.

C A P. C X X X I X.

An Act to amend the Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa.

[Assented to 15th August, 1866.]

WHEREAS L'Institut Canadien Français de la Cité d'Ottawa have by their petition represented that the powers conferred upon them by their Act of Incorporation passed in the twenty-ninth year of Her Majesty's reign, chaptered ninety-seven, are insufficient to carry into effect the provisions of the said Act, and they have prayed that the said Act be amended accordingly; and whereas it is expedient that the prayer of the petitioners be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Sections two, three, four and ten of the said Act, twenty-ninth Victoria, chapter ninety-seven, shall be and they are hereby repealed. Sections repealed.

2. A majority of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and By-laws, in no respect inconsistent with this Act, nor with the laws then in force in Upper Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and By-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer or cause to be executed or administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and By-laws to be hereafter passed and established. Power to make by-laws. And administer affairs.

Corporation
may effect
loans and grant
mortgages.

3. The said Corporation may raise, by way of loan, for the purposes of the said Corporation, any sum of money they may from time to time require for the purpose of completing their buildings, or otherwise improving or enlarging the same, or for paying or continuing any loan; provided always, that the total amount of such debt shall not exceed the sum of four thousand dollars; and for securing the repayment of such borrowed money, the Corporation may grant a mortgage or mortgages on their property, by deed, under the corporate seal thereof, and signed by the President, Treasurer and Recording-Secretary thereof; anything in the Act incorporating the said Institute to the contrary notwithstanding.

Application of
monies.

4. The mortgagees under this Act shall not be bound to see to the application of the money lent.

Power to take
mortgages, &c.

5. The said Corporation shall have the right to take mortgages, liens, obligations and bonds, from such person or persons as may have purchased or may hereafter purchase any property from them, or who may in any wise be indebted to such Corporation.

Recital.

6. And whereas such Corporation have, pursuant to the powers granted to them by their Act of Incorporation, sold and alienated some parts of their real property; and whereas they have taken mortgages on such property, from the purchasers thereof, to secure such purchase money as remained unpaid at the time of sale, and it is desirable that such mortgages should be confirmed, and all doubts as to their validity be removed: therefore, it is enacted that such mortgages shall be and they are hereby confirmed and rendered valid, and of full force and effect, as if such Corporation had been specially empowered by their Act of Incorporation to take the same.

Mortgages
heretofore
taken.

Corporate seal.

7. Such Corporation shall also have the power from time to time to change and alter their corporate seal whenever to them it may seem meet.

Public Act.

8. This Act shall be deemed a Public Act.

C A P . C X L .

An Act to incorporate the Ottawa Natural History Society.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS N. B. Webster, M. A., the Reverend T. D. Phillips, M. A., J. Thorburn, M. A., Edward Van-Cortlandt, M. D., D. McGillivray, M. D., John Langton, M. A., S. Rathwell, James Ogilvy and William White, have, by their petition to the Legislature, represented that the Society of which they are members, known as the "Ottawa Natural History

History Society," has for several years been organized for the prosecution of the study of Natural History, Science and Literature ; and whereas, they have prayed by the said petition that, for the better attainment of the objects of the said Society, it may be invested with corporate powers, and by reason of the good effected by the Society, it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said N. B. Webster, M. A., the Reverend T. D. Phillips, M. A., J. Thorburn, M. A., Edward VanCortlandt, M. D., D. McGillivray, M. D., John Langton, M. A., S. Rathwell, James Ogilvy and William White, and such other persons as are now members of the said Society, or shall hereafter become members thereof under the provisions of this Act, and the By-laws made under the authority thereof, shall be, and they are hereby constituted a body politic and corporate by the name of the "Ottawa Natural History Society," and by that name shall have perpetual succession and all the powers vested in Corporations generally by the Interpretation Act, and shall have power to purchase, take, receive, hold and enjoy, such real estate as may be required for the actual occupation of the said Corporation, and to alienate, sell, convey, lease and otherwise dispose of the same, or any part thereof, from time to time, as the occasion may require, and to acquire other in the stead thereof ; provided always, that the clear annual income of the real estate held by the said Corporation at any one time shall not exceed four thousand dollars.

Incorporation.

Corporate name and general powers.

Proviso : real property limited.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first and a second Vice-President, a Curator, a Treasurer, a Corresponding Secretary and a Recording Secretary, who, together with two other members chosen by the Society and duly elected annually at the annual meeting of the said Corporation, held in conformity to the By-laws thereof, shall constitute the Council of the said Society ; and any three members of the said Council, called together by proper authority, shall constitute a quorum thereof for the despatch of business.

Committee of management.

Quorum.

3. It shall be lawful for the said Corporation to make By-laws for the admission and expulsion of members and for the proper administration of the affairs of the Corporation, and to repeal and amend the same, from time to time, in accordance with the provisions of the By-laws of the Corporation in that behalf ; provided that no By-law shall be valid until it shall have been approved at a regular meeting of the Society, of which due notice shall have been given, and at which not less than seven members shall be present.

By-laws.

Proviso.

Present By-laws continued.

4. The By-laws of the said Society, in so far as they are not repugnant to the laws of this Province, shall be the By-laws of the Corporation hereby constituted, until they shall be repealed, or altered, as aforesaid.

Present officers continued.

5. Until others shall be elected according to the By-laws of the said Corporation, the present officers of the Society shall be those of the Corporation constituted by this Act.

Returns to the Legislature.

6. The said Corporation shall at all times, when required so to do by the Governor or by either branch of the Legislature, make a full return of all property, real and personal, held by it, with such details and information as may be by the Governor or either branch of the Legislature demanded.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . C X L I .

An Act to amend the Charter of the British and Canadian School Society of Montreal.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the British and Canadian School Society of Montreal, by their petition, have prayed that their Charter be amended as hereinafter is set forth, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Society may enter into agreements with School Commissioners of Montreal.

1. The British and Canadian School Society of Montreal, and the Protestant Board of School Commissioners of the City of Montreal, are hereby authorized to enter into, enforce and carry out any agreement or agreements which, from time to time, they may see fit to make, for the visitation, or for the government and management, in whole or in part, of the Schools of the said Society, or of any thereof, by the said Board; and every duty which, under any such agreement, shall be assumed by the said Board, shall be held thereafter to devolve upon it in terms of such agreement, to all intents as though the same had devolved upon such Board by direct operation of the Statutes regulating the powers and duties thereof.

Effect thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. CXLII.

An Act to incorporate the Ursuline Academy of Chatham.

[Assented to 15th August, 1866.]

WHEREAS a Society of Religious Ladies hath existed Preamble.
 for years in the Town of Chatham, in the Roman Catholic Diocese of Sandwich, in Upper Canada, who have formed an institution, under the name of "The Ursuline Academy of Chatham," for the instruction and education of young persons of the female sex, and have educated a great number of young persons gratuitously, (it being one of the rules of their community to educate the poor and indigent without charge, as far as practicable,) and others at very moderate rates; and whereas, the said Ladies have by their petition prayed that the said Society may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Mesdames Yvonne Le Bihan, Superior of the said Society, Incorporation.
 Mary Henry, Assistant, Catherine Doyle, General Mistress, and Irmine Bedard, Depositary, and such other persons as shall under the provisions of this Act become members of the said Society, shall be, and are hereby declared to be a body politic and corporate, in deed and in name, by the aforesaid name of "The Ursuline Academy of Chatham," and may, from time to time, and at all times hereafter, purchase, acquire, hold, Corporate name and powers.
 possess and enjoy, and may have, take and receive for them and their successors to and for their actual use and occupation only, any lands, tenements and hereditaments, real and immoveable property and estate, within this Province, not exceeding in annual value the sum of three thousand dollars, and the same may sell, alienate and dispose of whensoever they may deem proper to do so; and the Corporation may further acquire Real estate limited, &c.
 any other real estate, not exceeding in value the sum of three thousand dollars, or interest therein, by gift, devise or bequest, and may hold such estate and interest therein, for a period of not more than seven years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period, may be invested Investment of proceeds, if sold.
 in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the corporation.

2. The Superior and her Council for the time being, shall Superior and Council to make Rules, &c.
 have power and authority to make and establish such rules, orders and regulations, not being contrary to this Act, nor to the

Further powers.

the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and for the management thereof, and for the admission of members into the said corporation, and from time to time to alter, repeal and change such rules, orders and regulations, or any of them or those of the said Society in force at the time of the passing of this Act, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

To what purposes only revenues shall be applied.

3. The rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the Corporation, the construction and repairs of the buildings requisite for the purposes of the said Corporation, and to the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Transfer of property and liabilities from Society to corporation.

4. All and every the estate and property, real or personal, belonging to or hereafter to be conveyed to the members of the said Society as such, and all debts, claims, and rights, whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established; and the rules, orders, and regulations now made or to be made for the management of the said Society, shall be and continue to be the rules, orders and regulations of the said corporation, until altered or repealed in the manner herein provided.

Non-liability of Members of Corporation.

5. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several parties hereinbefore mentioned, or all or any of the members of the said corporation, or any person whatsoever, individually liable or accountable for, or by reason of any debt, contract or security incurred, or entered into, for or by reason of the Corporation, or for, or on account, or in respect of any matter or thing whatsoever, relating to the said corporation.

Power to appoint attorneys and officers.

6. The aforesaid Superior or Council of the said Corporation for the time being, shall have power to appoint such attorney or attorneys, administrator and administrators of the property of the Corporation, and such officers, teachers, and servants of the said Corporation, as shall be necessary for the well conducting of the business and affairs thereof, and to allow them such compensation for their services as shall be reasonable and proper; and all officers so appointed shall be capable of exercising such powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the rules, orders and regulations of the said Corporation.

7. The Corporation shall, at all times when thereunto required by the Governor or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information, as the Governor or either branch of the Legislature may require.

Returns to
Government.

8. This Act shall be deemed a Public Act.

Public Act:

CAP. CXLIII.

An Act to incorporate "The Montreal Literary Club."

[Assented to 15th August, 1866.]

WHEREAS an Association for literary purposes hath been formed by the persons hereinafter mentioned, and a large number of other persons in the City of Montreal, in Lower Canada, and elsewhere, under the name of "The Montreal Literary Club;" and whereas, certain of the persons composing such association have by their petition prayed that the said association may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble..

1. William Workman, George Murray, B. A., E. Billings, F. G. S., C. Smallwood, M. D., John Jenkins, D. D., and such other persons as now are or hereafter shall become members of the the said association, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the name of "The Montreal Literary Club," and shall by the same name from time to time and at all times hereafter, be able and capable to purchase, acquire, hold, possess, lease, occupy and enjoy, and to have, take and receive to them and their successors, to and for the actual occupation of the said corporation, any lands, tenements and hereditaments, and real and immovable property and estate, situate, lying and being within the City of Montreal, and the same to sell, alienate, lease, sub-let and dispose of whensoever the said corporation shall deem it proper so to do; Provided always that the annual revenue from the said immovable property shall at no time exceed the sum of five thousand dollars current money of this Province; and the constitution, rules and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of its affairs, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said corporation; Provided always, that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations, in the manner provided by the constitution, rules and regulations of the said corporation.

Certain persons
incorporated.

Corporate
name and
powers.

Real estate
limited.

Constitution
and By-laws,
continued.

Proviso: power
to alter.

Transfer of
property to
corporation.

2. All property and effects now owned or held in trust for the said association are hereby vested in the said corporation, and shall be applied solely to the maintenance of the said corporation.

Limitation of
liability of
Members.

3. No member of the said corporation shall be liable for the debts thereof, beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may remain unpaid by such member; and any member of the said corporation not being in arrears may retire therefrom on giving notice to that effect in such form as may be required by the constitution thereof, and thereafter shall be wholly free from liability for any debt or engagement of the said corporation.

Issue of stock
and shares.

4. It shall be lawful for the said corporation to issue stock to such extent as they may deem necessary, not exceeding in the aggregate the sum of forty thousand dollars, in shares of one hundred dollars each; such stock to be subscribed for in a book to be opened for that purpose, by the committee of the said Club, and to be paid up in such manner and within such delay as may be determined by the said committee.

Application of
funds.

5. The funds arising from such stock shall be applied exclusively to the erection of a Club House and dependencies, and to furnishing the same.

Transfer of
stock.

6. The shares of such stock shall be assignable by delivery and surrender of the certificates to be issued to the holders of such shares respectively, and by assignment on the books of the corporation.

Rights of
stockholders.

7. Each holder of such stock duly paid up shall be proprietor of an undivided share of the real estate of the corporation, and of the buildings thereon to be erected, and shall be exempt from all liability beyond the extent of the stock he shall actually hold; Provided always, that no sale or transfer of any such share or any interest in such real estate by or under the authority of any execution out of a court of competent jurisdiction or otherwise, shall be held to be valid, unless and until, after due notice and demand, the said corporation shall refuse to purchase such share or interest at the then market value thereof, but in no case exceeding its par value.

Corporation to
have preference
for purchase of
stock.

Dividends on
stock.

8. Each holder of paid up stock shall be entitled to receive an annual dividend of seven per cent per annum on the amount of stock held by him; such dividend will be payable quarterly, and shall be a first or privileged charge on all the funds and moveable estate generally of the corporation.

Paying off
stock.

9. It shall be competent for the said corporation to pay off as much of the said stock, from time to time, as the committee may

may deem desirable ; the share or shares, so to be paid off, to be elected by the said committee by ballot.

10. Such payment may be made by depositing in any of the Chartered Banks in this Province, to the credit of the holder or holders of such share or shares, the amount of such share or shares, and of all dividends unpaid thereon ; and thereupon such shares shall, *ipso facto*, cease to exist. How to be paid off.

11. This Act shall be deemed a Public Act.

Public Act.

CAP. CXLIV.

An Act to incorporate the "Institut des Artisans Canadiens de Montréal."

[Assented to 15th August, 1866.]

WHEREAS an association under the name of the "Institut des Artisans Canadiens de Montréal" has existed for some time past in the city of Montreal, having for its object, the providing for its members the means of instruction in the principles of art, and in the different branches of science, and to afford them information of a useful and advantageous character by means of a library, reading room, museum, lectures and classes ; and whereas the members of the said association have prayed to be incorporated with certain powers, and it is expedient to grant their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. Jacques Al. Plinguet, David Perreault, Antoine Basinet, D. Boudrias, N. Oswald Coursolles, P. S. Beaudoin, J. Bpte. Allard, Narcisse Valois, J. Cazimir Coursolles, J. Belanger, P. H. Morin, J. L. Levéque, Onézime Labrecque, C. Rouillard, L. B. Rouillard and Noel G. Larivière, together with such other persons as now are or may hereafter become members of the said society, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the "Institut des Artisans Canadiens de Montréal," and by that name shall have power from time to time and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, and the said property to hypothecate, sell, alienate and dispose of and to acquire other instead thereof for the same purposes ; and any majority of the said corporation for the time being shall have full power and authority to make and establish such rules, regulations and by-laws in no respect Incorporation.
Name.
Real estate.
By-laws.

inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interest of the said corporation and for the admission of members thereof, and the same, as also such by-laws and regulations of the Institution as may be in force at the passing of this Act, to amend and repeal from time to time, in whole or in part.

To what purposes only the revenue of the corporation shall be applied.

2. Provided always, that the rents, revenues and profits arising out of every description of property belonging to the said corporation, shall be appropriated and employed exclusively for the benefit of the members of the said corporation, and for the leasing, erection or repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Committee of Management and officers.

3. The affairs and business of the said corporation shall be managed by a committee of management composed of the officers of the said corporation, consisting of a President, a first and second Vice-President, a Corresponding Secretary, a Recording Secretary, a Treasurer, an Assistant Treasurer, a Librarian, a Curator of the Museum, and of six other members forming together a general committee.

Property and liabilities of Association transferred to corporation.

4. All real and personal estate at present the property of the association, or which may be hereafter acquired by the members in their capacity as such by purchase, donation, or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said association; and the rules, regulations and by-laws, now or hereafter to be established for the management of the said association shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

By-laws continued until repealed.

Competency of Members as witnesses.

5. No person otherwise competent to be a witness in any suit, action, or prosecution in which the said corporation may be a party or interested, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the said corporation or association.

Recovery of subscriptions.

6. All subscriptions of members due to the corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the treasurer thereof, and in default of payment, may be recovered in any action brought by him in the name of the corporation in any court of competent civil jurisdiction; Provided always, that nothing herein contained shall prevent any member from withdrawing from the

Proviso: payment of arrears

the said corporation at any time, after payment of all arrears due to the said corporation by him, and after having given notice of his intention to withdraw from the corporation to the secretary.

before withdrawing.

7. The corporation shall, at all times when thereunto required by the Governor, or by either branch of the Legislature, make a full return of their property and of their receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Returns to Government.

8. This Act shall be deemed a Public Act.

Public Act.

CAP. CXLV.

An Act to incorporate "The Montreal Club."

[Assented to 15th August, 1866.]

WHEREAS an Association for social purposes hath been formed by the persons hereinafter mentioned, and a large number of other persons in the city of Montreal, in Lower Canada and elsewhere, under the name of "The Montreal Club;" and whereas certain of the persons composing such association have by their petition prayed that the said association may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. George Browne, Lieut. Col. Vol. Militia, Alexander Urquhart, Wm. Markland Molson, Wm. H. Hulton, John Rhynas, Frederick Mackenzie, W. Osborne Smith, Lieut. Col. Vol. Militia, James Hulton, Thomas Morland, W. E. Scott, M. D., Thomas Macduff, Henry Starnes, Henry Thomas, Hon. J. Sandfield Macdonald, Thomas Cramp, F. B. Matthews, Geo. Stephen, David Lewis, W. E. Cheese, Alfred Brown, Walter Scott, R. B. Angus, F. W. Henshaw, Wm. M. Freer, R. A. A. Jones, Alexander Allan, James G. Johnson, W. B. Converse, De Bellefeuille Macdonald, Gilbert Scott, Joseph Walker, John Leeming, Thomas Gordon, R. S. Tylee, A. Kerry, Henry Stuart, Q. C., T. W. Ritchie, Thomas Ogilvy, James Crathern, John Converse, junr., C. E. Colson, J. F. Phillips, P. Holland, Geo. W. Eadie, John Cowan, Wm. Thomas Norris, W. J. Spicer, Henry Yates, C. E. Brush, Wm. Wood, Cyrus Thomas, James Jack, Frank Pearce, Samuel Waddell, Charles H. Davie, J. P. Kohl, J. V. Morgan, Joseph N. Hall, Alexander Walker, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic, and corporate in deed and in name, by the name of "The Montreal Club," and by that name shall have

Certain persons incorporated.

Corporate perpetual

name and powers.

perpetual succession and a common seal, and shall have power from time to time, to alter, renew or change such common seal, at their pleasure; and shall by the same name, from time to time, and at all times hereafter be able and capable to purchase, acquire, hold, possess, lease, occupy and enjoy, and to have, take and receive to them and their successors, to and for the actual occupation of the said corporation, any lands, tenements and hereditaments, and real and immoveable property and estate, situate, lying and being within the city of Montreal, and the same to sell, alienate, lease, sub-let and dispose of whensoever the said corporation shall deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, and answer and be answered unto, in all courts of law whatsoever; and the constitution, rules and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of its affairs, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said corporation; provided always, that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

Real estate.

Constitution, By-laws, &c., continued.

Proviso : power to alter.

Transfer of property to Corporation.

2. All property and effects now owned or held in trust for the said association are hereby vested in the said corporation, and shall be applied solely to the maintenance of the said corporation.

Limitation of liability of Members.

3. No member of the said corporation shall be liable for the debts thereof, beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may remain unpaid by such member; and any member of the said corporation not being in arrear may retire therefrom on giving notice to that effect in such form as may be required by the constitution thereof, and thereafter shall be wholly free from liability for any debt or engagement of the said corporation.

Stock and shares.

4. It shall be lawful for the said corporation to issue stock to such extent as they may deem necessary, not exceeding in the aggregate the sum of forty thousand dollars, in shares of one hundred dollars each; such stock to be subscribed for in a book to be opened for that purpose, by the committee of the said club, and to be paid up in such manner and within such delay as may be determined by the said committee.

Application of funds.

5. The funds arising from such stock shall be applied exclusively to the erection of a club house and dependencies, and to furnishing the same.

Transfer of stock.

6. The shares of such stock shall be assignable by delivery and surrender of the certificates to be issued to the holders of such

such shares respectively, and by assignment on the books of the corporation.

7. Each holder of such stock duly paid up shall be proprietor of an undivided share of the real estate of the corporation, and of the buildings thereon to be erected, and shall be exempt from all liability beyond the extent of the stock he shall actually hold ; provided always that no sale or transfer of any such share or any interest in such real estate by or under the authority of any execution out of a court of competent jurisdiction or otherwise, shall be held to be valid, unless and until after due notice and demand, the said corporation shall refuse to purchase such share or interest at the then market value thereof, but in no case exceeding its par value.

Rights and stockholders.

Corporation to have preference for purchase of stock.

8. Each holder of paid up stock shall be entitled to receive an annual dividend of seven per cent. per annum on the amount of stock held by him ; such dividend will be payable quarterly, and shall be a first or privileged charge on all the funds and moveable estate generally of the corporation.

Dividends on stock.

9. It shall be competent for the said corporation to pay off so much of the said stock, from time to time, as the committee may deem desirable ; the share or shares, so to be paid off, to be elected by the said committee by ballot.

Paying off stock.

10. Such payment may be made by depositing in any of the chartered banks in this Province, to the credit of the holder or holders of such share or shares, the amount of such share or shares, and of all dividends unpaid thereon ; and thereupon such shares shall, *ipso facto*, cease to exist.

How to be paid off.

11. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L V I .

An Act to incorporate the St. Patrick's Hall Association of Montreal.

[Assented to 15th August, 1866.]

WHEREAS Bernard Devlin, the Honorable Thomas D'Arcy McGee, the Honorable Thomas Ryan, C. J. Cusack, Luke Moore, Edward Murphy, Neil Shannon, M. P. Ryan, and John W. McGauvran, have, by their Petition to the Legislature, represented that they have, with others, formed an Association, under the name of "The St. Patrick's Hall Association," for the purpose of erecting and maintaining a building in the City of Montreal, to be called the "St. Patrick's Hall," to be used for the accommodation of the national, religious and charitable Societies and Associations composed of members of, and formed in connexion with, the congregation of St. Patrick's church in the City of Montreal, and also

Preamble.

for

for the holding of public meetings, convened for useful and recreative objects, and also to be used as shops, offices and show rooms, and for other similar purposes, and that it would greatly promote the praiseworthy objects they have in view if corporate powers were conferred on them, and have prayed for an Act of Incorporation, and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and powers.

1. Bernard Devlin, the Honorable Thomas D'Arcy McGee, the Honorable Thomas Ryan, C. J. Cusack, Luke Moore, Edward Murphy, Neil Shannon, M. P. Ryan, John W. McGauvran, and all such persons as are now or shall hereafter become members of the said Association, shall be and are hereby declared a body politic and corporate, under the name of the "St. Patrick's Hall Association of Montreal," and shall be entitled to acquire, hold, possess, take, receive, lease and dispose of, for the purposes of the said Corporation, any lands, tenements or hereditaments, and real or immoveable property, lying within the said City of Montreal, not exceeding in annual value the sum of ten thousand dollars.

Capital stock and shares.

Transfer of shares, &c.

Rights of subscribers.

2. The Capital Stock of the said Association shall be the sum of one hundred and fifty thousand dollars, or such part thereof as shall be deemed necessary to be raised by the said Association, and shall be divided into shares of ten dollars each, and shall be deemed personal estate and be transferable as such; and the said fifteen thousand shares shall be and are hereby vested in the members of the said Association and their several and respective executors, administrators and assigns, and all persons who shall respectively subscribe and pay the sum of ten dollars or more towards carrying on and completing the said St. Patrick's Hall, shall be members of the said Association, and, as such, entitled to have and receive, after the building is completed, the entire net distribution of the profits and advantages that may arise and accrue by virtue of the sum and sums of money to be raised, recovered and received by the authority of this Act, in proportion to the number of shares so held.

Power to borrow money and pledge the property of the Company.

3. The said Corporation may borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any one time a total indebtedness of thirty thousand dollars, as they may find expedient and as they may think proper; and may give their bonds, obligations, or other securities for the sums so borrowed, and may mortgage or pledge the lands, revenues and other property of the said Corporation, for the due payment of the said sums and interest thereon.

Liability of shareholders limited.

4. No shareholder in the said corporation shall be in any manner whatsoever liable for or charged with the payment of any

any debt or demand due by the said Corporation, beyond the extent of his shares in the capital of the said Corporation not paid up.

5. The affairs of the Corporation shall be managed by a Board of seven directors, who, with the exception of the President for the time being of the St. Patrick's Society (who shall *ex-officio* always be a Director) shall be elected as hereinafter provided :

Affairs to be managed by a board of Directors.

2. Within one month after the passing of this Act, and in every year thereafter, on such day as may be fixed by the By-Laws of the Corporation a general meeting of the members of the association shall be held in the City of Montreal, eight days notice of which shall have been given in at least two newspapers published in the said City in the English language, and at such meeting or adjournment thereof, the members present shall proceed to elect from among themselves six persons who, together with the President of the St. Patrick's Society for the time being (he being proprietor of not less than fifty shares), shall constitute the Board of Directors of the Corporation ;

General meetings of shareholders for election of Directors.

3. The Directors must respectively be proprietors of not less than fifty shares of the stock of the Corporation and four of them shall be a quorum for managing and carrying on the affairs of the Corporation ;

Qualification and quorum.

4. Such six Directors shall hold office for two years, excepting however that of those first elected, three, to be determined by ballot, shall vacate their offices at the expiration of one year but shall be eligible for re-election, and thereupon three duly qualified persons shall be elected to hold office as Directors for the ordinary period of two years, so that thereafter three Directors will retire from office in each year, such vacancies to be filled by the election of new Directors as hereinbefore provided.

Term of office of Directors.

6. At such general meetings and on all occasions when the votes of the stockholders are to be taken, each stockholder shall be entitled to one vote for each share held by him at least fifteen days before the time of voting.

Votes : one for each share.

7. The Directors so elected shall remain in office until their successors are appointed ; and at their first meeting, which shall take place in each year as soon as possible after their election, they shall, if a quorum be present, choose a President from among their number, who shall preside at any meeting of the Directors and be entitled to a casting vote in case of an equal division of members, although he may have voted before.

Term of office.

President.

Casting vote.

8. The Directors of the Association at the time of the passing of this Act shall be Directors of the Corporation until the

Provisional Directors.

the first general meeting hereby provided for, and all proceedings taken by them for promoting the objects of the Corporation shall be as valid as though they had been duly elected Directors in pursuance of this Act.

Special general meetings, how called.

9. It shall be lawful for a majority of the Directors, or any number of proprietors not less than twenty-five, having together not less than one thousand votes, to call a special general meeting of the stockholders at any time, by public notice in two daily newspapers published in the said City, in the English language, at least ten days before the day fixed for such special meeting.

Powers of Directors.

10. The Directors for the time being shall have and be invested with full power and authority to manage, order, oversee and transact, all and singular, the affairs of the said St. Patrick's Hall Association, lease and hire out the whole or any portion of the premises and to determine the rent or remuneration to be charged therefor and to decide upon and regulate all matters and things whatsoever relating to or concerning the St. Patrick's Hall Association.

Directors to render accounts yearly.

11. In every year at the general meeting of the members of the said Association, or some adjourned meeting thereof, the Directors shall produce and give a full, just and true account, in writing, of all their transactions, receipts and payments respectively.

Meetings of Directors.

Vacancies.

12. The Directors shall meet as often and at such place in the City of Montreal, to be by them appointed as occasion may require; but if any one or more Directors shall die or be permanently removed from the city or its immediate neighborhood before his or their term of office shall have expired, the remaining Directors shall have full power to fill up such vacancies from amongst the stockholders of the Association eligible under this Act, and this must be done at their first regular meeting held after the occurrence of the said vacancy.

Directors may make calls on stock.

Proviso.

13. The Directors may, from time to time, make such calls of money upon the respective stockholders in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary; and fifteen days notice at the least shall be given of each call, and no call shall exceed the sum of ten per cent upon each share so subscribed; provided always, that the Directors shall not have power to make more than two calls upon stock so subscribed in any one month.

Recovery of calls if not paid.

14. In case any person neglects or refuses to pay the amount of such calls at the times appointed, it shall be lawful for the Corporation to sue for, and recover the same with interest upon the amount, and costs, in any court of law having competent jurisdiction; or at the option of the Directors to forfeit such share

share and all instalments paid thereon if after fifteen days notice to pay the instalment or instalments due, such person so in default neglects or refuses so to do ; and no such person so in arrear shall be at liberty to speak or vote at any general or special meeting of the Association, nor be entitled to receive or take any dividend upon his stock until all arrears due thereon have been fully paid up, and no transfer of the said stock shall be made without the consent of the Directors, unless the said stock shall have been paid up in full.

Forfeiture of stock.

Transfer not valid till calls paid.

15. The Directors or a quorum thereof, being assembled at such places and times as aforesaid, shall have full power and authority to make and ordain such and so many By-laws, Rules and Regulations not inconsistent with the laws of the Province or this Act, as they shall judge necessary for the direction and government of the said Association, and of the property real and personal by them held, and as in their opinion will most effectually promote the purposes of this Act ; and by such By-laws, Rules and Regulations, they shall decide what person or persons may acquire and hold a share or shares in the said Association and none but those allowed by the said By-laws shall be enabled to acquire any right or title, or be permitted to hold any share or shares or part thereof in the said Association ; but no By-law shall be in force until it shall have been sanctioned by a vote of at least two-thirds of the stockholders present at a general meeting to be called together by the Directors for the purpose of taking such By-law into consideration nor shall any amendment, repeal, or alteration of any By-law be valid unless agreed to by two-thirds of the said stockholders present as aforesaid.

Directors to make By-laws..

By-laws to be passed by a two-third majority.

16. This Act shall be deemed a Public Act.

Public Act.

C A P. C X L V I I.

An Act to incorporate the St. Patrick's Asylum of Ottawa.

[Assented to 15th August, 1866.]

WHEREAS an association has been formed in the city of Ottawa for the purpose of providing for the maintenance of orphans and aged and infirm persons ; and whereas the said association has established, for the purposes aforesaid, an asylum, at the said city of Ottawa, and certain members of the said association, and others interested in its welfare, have by their petition represented that the said association would be more efficient by giving to it the character of a corporation : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Reverend James McGrath, the Reverend Michael Molloy, the Reverend Joseph M. Guillard, Robert H. McGreevy, Daniel

Certain persons incorporated.

Daniel O'Connor, Charles McCarron, Thomas Kehoe, Timothy Kavanagh, John O'Reilly, John F. Caldwell, Martin Battle, Bernard Mullins, Alexander Duff, William McKay, John Heney, Charles Goulden, and William Kehoe, and all others who may from time to time become members of the said association in the manner hereinafter mentioned, and who shall continue to be members by the observance of the rules or by-laws which may be passed in that behalf as hereinafter specified, shall be and they are hereby constituted and declared to be, for the purposes aforesaid, a body politic and corporate, by the name of the "St. Patrick's Asylum of Ottawa."

Name.

Corporate powers.

2. The said corporation, by the same name, may from time to time, and at all times hereafter, be able and capable to have, take, receive, purchase and acquire, hold, possess and enjoy, to and for the use of the said corporation, all lands and property, moveable and immovable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said corporation, and to sell, alienate, convey, mortgage or lease the same if need be, and all property now held by the said association shall from and after the passing of this Act be vested in the said corporation; Provided that the annual income to be derived from the said property shall not exceed the sum of one thousand five hundred pounds.

Real property limited.

Council of management; of whom composed:

3. For the management and control of the affairs of the said corporation there shall be a council of management composed of nine persons, who shall be annually elected by the members of the said corporation, in the month of December in each and every year, the term of office to be for one year from the first day of January in each year, and the Parish priests for the time being for the Roman Catholic parishes of the Cathedral, St. Patrick and St. Joseph, in the said City of Ottawa, shall be *ex officio* members of the said council, and at the first meeting after such election, the said Council, composed as aforesaid of nine elected members and the three *ex officio* members aforesaid, shall choose out of their member, a President, Vice-President, Treasurer and Secretary, who shall hold their offices respectively during the period aforesaid.

Elective and *ex officio* Members.

President, &c.

Powers of Council.

By-laws.

4. The said council of management shall have the full and absolute control and management of all the affairs and business of the said corporation, and may from time to time make such by-laws, rules and regulations, not contrary to this Act or the laws of this Province, for regulating the admission of persons desirous of becoming members of the said corporation, and for regulating the duties of the officers and servants and others connected therewith, and for the general management of all the affairs of the said corporation whatsoever, and to regulate the filling of vacancies occurring in the said council or among the officers thereof, and may from time to time repeal, alter or change the same and make others in their stead, and may also

Apprenticing young persons.

also apprentice or bind out to any healthy trade, business or occupation, all youths, male or female, having the protection or aid of the said corporation, and being orphans, or if not, with the consent of their parents or guardians, to such person or persons, and, upon such terms as to the said council may seem fit and proper, and for that purpose shall have power in behalf of such youths and themselves, to enter into proper articles of apprenticeship with any person or persons with whom such youths may be placed by the said council, and such articles of agreement may be enforced, as well by action at law or in equity for breach thereof warranting such action, as, by summary application to a Justice of the Peace (who is hereby authorized and empowered to act thereon) on any such occasion would, according to the laws of this Province, warrant the interference or adjudication of any one or more Justice or Justices of the Peace in disputes between trustees and apprentices, and such articles of apprenticeship shall be executed in behalf of the corporation by the President or Vice-President, and the same, or a duplicate thereof, shall be filed with the Secretary within one month after the execution of the same; Provided always, that no girl shall be apprenticed beyond the age of sixteen, nor any boy beyond the age of eighteen.

under protection of the institution.

Proviso.

5. Robert H. McGreevy, Daniel O'Connor, Charles McCarron, Thomas Kehoe, Timothy Kavanagh, Martin Battle, John O'Reilly, John F. Caldwell and Bernard Mullins, together with the Reverend James McGrath, Michael Molloy and Joseph M. Guillard, Parish priests of the Parishes aforesaid, shall be the first council of management of the said corporation, and the said Robert H. McGreevy shall be the first President, the said Daniel O'Connor the first Vice-President, and the said Thomas Kehoe the first Treasurer, and the said Charles McCarron the first Secretary, and the said persons shall respectively remain in office until the first general election to be held in the month of December next after the passing of this Act, when their successors shall be appointed in such manner as may be provided by the By-laws of the corporation.

First Members of Council.

Term of office.

6. In the absence of the President, the Vice-President, and in his absence, any member of the council chosen for that purpose, may preside at any meeting of the corporation or council of management.

Who to preside.

7. Five members of the council shall form a quorum for the dispatch of business; provided, however, that no real estate shall be purchased by the said corporation, nor shall any real estate owned by the said corporation be sold or alienated, or mortgaged without the consent of two-thirds of the whole council, and on all questions of this nature which shall come up before the council, the Secretary shall record the yeas and nays among the minutes of the council.

Quorum.

Proviso: as to real estate.

Records.

Report to the
Legislature.

8. The corporation shall at all times when thereunto required by the Governor or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure for such period and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

9. This Act shall be deemed a Public Act.

CAP. CXLVIII.

An Act to remove doubts as to the legality of a Canon of the Synod of the Diocese of Quebec, respecting the Parish and Chapelries of Quebec.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS the Church Society of the Diocese of Quebec has, by its petition, represented that the Synod of the said Diocese, at a Session held at the City of Quebec, on the twenty-eighth, twenty-ninth and thirtieth days of July, in the year of our Lord one thousand eight hundred and sixty-three, enacted a certain Canon respecting the Parish and Chapelries of Quebec, which said Canon is to the effect following, namely:

Canon of July,
1863, recited.

"CANON 10.—*Of the Parish and Chapelries of Quebec.*—
"Members of the Church of England, wheresoever resident
"within the whole limits of the Parish of Quebec, being
"parishioners of the said Parish, may, at their own option,
"attend the services of the Cathedral, used also as the Parish
"Church, and may have recourse, if mutually so desired, to
"the ministrations of the Rector or others officiating for him;
"and such ministrations, if they are of a nature to require
"registration, are to be entered in the register kept by the
"Rector, who shall also in that case receive the fees for the
"same.

Chapel of the
Holy Trinity.

"2. The Chapel of the Holy Trinity, situate in St. Stanislas
"street, in the Upper Town of Quebec, the patronage whereof
"is vested in the Rev. E. W. Sewell, the Minister at present
"serving the same, and his heirs and assigns, has no district
"attached to it,—the congregation, whose residences are inter-
"mixed in point of limits with those of other Congregations
"within the Parish, constituting the cure of the said minister.
"The Chapel shall, in all respects, remain subject to the
"conditions under which it was originally established.

St. Peter's
Chapel.

"3. The Chapel in St. Valier street, in the suburb of St. Roch,
"known by the name of St. Peter's Chapel, shall continue to
"have the district attached to it under the name of the Chapelry
"of St. Peter, which was attached to the original St. Peter's
"Chapel, in another part of the said suburb of St. Roch, and
"which

“ which is declared in the regulations set forth by the authority
 “ of the late Lord Bishop of Quebec, to coincide with the limits
 “ of the Roman Catholic Parish of St. Roch as the same stood
 “ defined in the year of our Lord one thousand eight hundred
 “ and thirty-four.

“ 4. The Chapel of St. Michael, situate opposite to Mount St. Michael's
Chapel.
 “ Hermon Cemetery, within the Parish of Quebec, upon the
 “ line of the high road leading to Cap Rouge, in the Roman
 “ Catholic Parish of St. Columba, shall in like manner have a
 “ district assigned to it, constituting the Chapelry of St.
 “ Michael, which shall comprehend all that portion of the
 “ parish of Quebec, lying to the west of a line to be drawn
 “ immediately east of a road known as the Belvidere Road, so
 “ as to include both sides of that road, and continued towards
 “ the north till it reaches the limits of the Chapelry of St. Peter,
 “ and towards the south till it reaches the crest of the bank of
 “ the river. The Incumbent of the Chapelry of St. Michael
 “ shall also have the charge of such families and persons
 “ belonging to the Church of England (not being pew-holders
 “ in any church or chapel in the City of Quebec) who shall
 “ reside within the Roman Catholic Parish of St. Foy, as the
 “ same was found to stand in the year of our Lord one thousand
 “ eight hundred and thirty-five.

“ 5. The congregation of St. Matthew's Chapel having raised St. Matthew's
Chapel.
 “ an endowment fund, the proceeds of which, together with
 “ the share assignable to the Chapel out of the Quebec Cha-
 “ pelry Endowment Fund, and the contributions of the congre-
 “ gation, are sufficient for the maintenance of a minister, the
 “ charge of the minister serving the said Chapel is hereby,
 “ according to the provisions of the aforesaid instrument, con-
 “ stituted a Chapelry, to be called the Chapelry of St. Matthew ;
 “ the district attaching to it to comprise the St. Lewis and St.
 “ John's suburbs of the City of Quebec, together with that
 “ portion of the Banlieue lying east of the limits of the Cha-
 “ pelry of St. Michael, and extending from the limits of the
 “ Chapelry of St. Peter on the north to the crest of Cape
 “ Diamond on the south.

“ 6. The Chapel and Chapelry of St. Paul are hereby re- St. Paul's
Chapel.
 “ annexed to the charge of the Rector of Quebec, it being
 “ understood that the present Incumbent be not disturbed in
 “ the charge.

“ 7. All members of the Church of England, wheresoever Rights of pew-
holders.
 “ resident within the limits of the Parish of Quebec, shall be
 “ held and taken to constitute respectively part of the congre-
 “ gation of the church or chapel in which they enjoy accom-
 “ modation under lease in any of the appropriated pews, or of
 “ which they are duly registered as habitual attendants,
 “ according to the provisions of the seventh Canon of this
 “ Diocese ;

" Diocese ; and the fees for duties performed for such persons
 " shall be assigned to the Incumbent of the church or chapel to
 " which such persons belong.

What Chapels
 shall have Re-
 gisters.

" 8. The Chapels of the Parish which, from and after the
 " passing of this Canon, shall enjoy the privilege each of a
 " separate Register, are the Chapels of the Holy Trinity, St.
 " Peter's, St. Michael's and St. Matthew's.

In what burial
 grounds inter-
 ments shall take
 place.

" 9. The places of public burial in use for the members of
 " the Church of England, in the Parish of Quebec, being
 " common to the whole parish, the circumstances which will
 " determine in each case which may arise, to what minister
 " the duty of performing the interment is assignable, is not the
 " situation of the burial ground, but the congregation to which
 " the deceased, at the time of his decease, belonged ; or in the
 " case of his being a stranger, the part of the parish in which he
 " was then resident. The interment of persons brought for inter-
 " ment from without the limits of the parish, or from without the
 " limits also of the original Roman Catholic parish of St. Foy,
 " is assignable to the Rector ; and the same rule applies also to
 " the Marriages and Baptisms of such persons, being not
 " resident within the limits of any other Parish or mission, as
 " may resort to Quebec for those offices. Nevertheless, if
 " persons residing in the Roman Catholic country parishes
 " contiguous to the Districts of St. Peter and St. Michael, shall
 " desire for their own convenience to have recourse to the
 " services of the ministers of those Chapels respectively, there
 " shall be no hindrance to their doing so, and the services so
 " performed shall be entered in the Registers of such ministers,
 " who shall also receive the emoluments to the same apper-
 " taining or attaching.

Rights of the
 Rector as to
 interments,
 marriages, and
 baptisms.

Proviso : if
 parties desire
 otherwise.

Appointment
 of Ministers.

" 10. The right to appoint the Minister or Incumbent of the
 " Chapels of St. Matthew, St. Michael and St. Peter, shall
 " vest in, and be exercised by, the Lord Bishop and his suc-
 " cessors : "

Doubts as to
 power of Sy-
 nod.

And that doubts exist as to the power of the said Synod to
 enact the said Canon or By-law, which doubts it is desirable,
 in the interests of the Church of England within the said Diocese,
 to remove ; and whereas it is desirable to grant the prayer of
 the said Petition, and to legalize the said Canon : Therefore,
 Her Majesty, by and with the advice and consent of the Legis-
 lative Council and Assembly of Canada, enacts as follows :

Doubts remov-
 ed.

Canon con-
 firmed.

1. The Synod of the Diocese of Quebec had full power and
 authority to make and enact the said Canon, and the same has
 had full force and effect since its adoption by the said Synod,
 and shall continue to have such force until it be repealed or
 amended by the Synod of the said Diocese.

Public Act.

2. This Act shall be deemed a Public Act.

C A P.

CAP. CXLIX.

An Act to incorporate the Ecclesiastical Society of St. John, in the Roman Catholic Diocese of Kingston.

[Assented to 15th August, 1866.]

WHEREAS the Right Reverend Edward John Horan, Roman Catholic Bishop of Kingston has, by his petition, represented that there has existed in this Province since the twelfth day of January, one thousand eight hundred and fifty-nine, a Society of members of the Roman Catholic Clergy, in the Diocese of Kingston, under the name of the "Ecclesiastical Society of St. John," the main object of which association is to afford assistance to members of the said Society in case of infirmity, sickness, old age or helplessness; and that for the better management of the affairs of the said Society it is necessary that the petitioner and his associates should be incorporated, and has prayed for such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Right Reverend Edward John Horan, Bishop of Kingston, the Very Reverend Patrick Dollard, the Very Reverend Geo. A. Hay, the Very Reverend Oliver Kelly, and the Reverend John Madden, and such other persons, being Ecclesiastics of the Roman Catholic Diocese of Kingston, as are now, or shall hereafter become, members thereof, together with their successors, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Ecclesiastical Society of Saint John," and shall, as such, have a common seal, and by the same name shall hereafter, from time to time and at all times, have power to purchase, acquire, hold, possess, take and receive, for themselves and their successors, for the use and behoof of the said corporation, real and personal property within this Province, and the same, or any part thereof, to sell, alienate and dispose of; but such real property shall not exceed in yearly value the sum of four thousand dollars.

Incorporation.

Name and general powers.

Real property limited.

2. All the personal estate, and all debts, claims and demands belonging to the said society, at the time of the passing of this Act, shall be, and they are hereby vested in the corporation hereby constituted, and the said corporation shall in like manner be liable for all debts, dues or claims against the said society.

Transfer of property and liabilities to Corporation.

3. The corporation shall have full power and authority to make rules, regulations and by-laws for the good government, discipline and management of the same, and for carrying into effect the objects of the said corporation, as set forth in the preamble to this Act, and from time to time to repeal, vary, alter or amend the same; and the rules, regulations and by-laws of the society in force at the time of the passing of this Act,

Power to make by-laws.

Present By-laws continued until altered.

And the officers.

Act, shall be the rules and regulations and by-laws of the said corporation, until the same are amended or repealed by others to be made by the said corporation ; and the present officers of the society, and each of them, shall fulfil the duties of their respective offices as officers of the said corporation, and shall manage the affairs thereof, until others shall be elected or appointed in their stead, under the rules and regulations or by-laws.

Returns to Government.

4. The corporation shall, whenever thereunto required by the Governor or person administering the Government of this Province for the time being, render to him a true statement of all the real and personal estate held and enjoyed by the said corporation, and the income thereof, and of the receipts and expenditure of the said corporation.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . C L .

An Act to amend the Act to incorporate the Curé of the Parish of Notre-Dame de Québec.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS His Lordship Charles François Baillargeon, Bishop of Tloa, administrator of the Archdiocese of Québec, and the Reverend Joseph Auclair, Priest, Curé of the Parish of Notre-Dame de Québec, have, by their petition, represented that various legacies and donations of sums of money, claims, shares of banks or other companies, and associations, and other moveable property, have been bequeathed and made to the said Bishop of Tloa, during the time when he was Curé of the said Parish, and to the said Joseph Auclair since he has been Curé of the said Parish, for the use, benefit and advantage of the poor of the said parish, such property, or the revenue arising therefrom to be employed and applied in conformity with the intentions and wishes of the testators or donors ; that it is necessary in the interest of the said poor that to avoid any difficulty which might arise after the death of the petitioners, in relation to the said property, such property should be transferred to the Corporation of the Curé of the Parish of Notre-Dame de Québec, established by the Act passed in the twenty-ninth year of her Majesty's reign, chaptered one hundred and three, and intituled : *An Act to incorporate the Curé of Notre-Dame de Québec*, to be by the said Corporation held, administered and applied in conformity with the intentions and wishes of the testators and donors thereof ; and whereas, in the interest of the poor in the said parish, it is useful and necessary to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

29 V. c. 103.

1. From and after the passing of this Act, every legacy or donation of property of any nature or description whatsoever, made to the said Bishop of Tloa, during the time when he was Curé of the said parish, or to the said Joseph Auclair, since he has been Curé of the said parish, for the use, benefit and advantage of the poor of the said Parish, and not for other purposes, shall be transferred to the said Corporation of the Curé of the Parish of Notre-Dame de Québec, the said property to be by the said Corporation held, enjoyed, managed, administered and applied in conformity with the intentions and wishes of the testators or donors;

Legacies, &c., for the poor transferred to the Corporation created by 29 Vic., c. 108.

The said Corporation shall also be held to be the administrator of, and shall hold and enjoy all property or things whatsoever, of the nature of those above mentioned, given or bequeathed, or which may hereafter be given or bequeathed for the poor of the said parish by virtue of any testament or donation;

Administration thereof.

Every receipt and release given by the said Corporation to any debtor, by virtue of a testament or donation as aforesaid, for any sum, or revenue or interest whatsoever bequeathed or given for the use, profit and advantage of the poor of the said parish, and due by any person, society or corporation, shall be good and valid for all purposes whatsoever.

Receipts to be given by the said Corporation.

2. Nothing in this Act contained shall be held to affect rights of third parties legally existing at the time of the passing of this Act.

Rights saved.

3. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P . C L I .

An Act to vest certain lands in the Rector and Church-wardens of St. James' Church, Toronto.

[Assented to 15th August, 1866.]

WHEREAS the Rector and Church-wardens of St. James' Church, Toronto, have by their petition prayed that certain lands purchased by the congregation of St. James' Church, Toronto, may be vested in the Rector and Church-wardens of the said church, and their successors, for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The lands mentioned and described in Schedules A and B to this Act annexed, and which shall be taken and read as part of this Act shall be, and the same are hereby declared to

Lands described in schedules A. and B. - vested in Rector and

Church-wardens for a Cemetery.

Lots therein may be sold, &c.

No registration required.

Rites of Burial.

Lands described in schedule vested: subject to incumbrances.

Proviso: as to leases.

Rents how to be applied.

be vested in the Rector and Church-wardens of St. James' Church, Toronto, and their successors forever, to be held by them for the purposes of a Cemetery; and it is hereby declared that it shall and may be lawful for the said Rector and Church-wardens to grant and convey parcels of the said lands to such persons as have already purchased the same, and to all persons desirous of purchasing the same, to be used for burial grounds, under such terms and conditions as to such Rector and Church-wardens for the time being may seem necessary and proper; the conveyances of such parcels as have been already purchased to be prepared, under the directions of the Rector and Churchwardens and to be delivered to the grantees thereof, requiring the same upon payment of the sum of five shillings for each deed; and it is hereby declared that it shall not be necessary for the grantees of such parcels to register the conveyance of the same; and further that all burials in the said Cemetery shall be according to the rites and ceremonies of the United Church of England and Ireland.

2. The lands mentioned and described in Schedule C to this Act annexed, and which shall be taken and read as part of this Act, shall be and the same are hereby declared to be vested in the Rector and Church-wardens of St. James' Church, Toronto, and their successors, forever, subject nevertheless, to all incumbrances now existing thereon, with power from time to time to lease the same at such rents and upon such conditions as to the said Rector and Church-wardens and their successors may seem proper; provided always, that no lease shall be granted for a longer time than twenty-one years, from the commencement thereof; but it shall and may be lawful for the said Rector and Church-wardens and their successors to agree in any such lease that upon the expiration of the term first created by any such lease, a further term, not exceeding twenty-one years, shall be granted to the lessee, his executors, administrators and assigns, upon such terms as to the said Rector and Church-wardens may seem proper; All rents reserved by such leases and received from any lessees shall be applied by the Rector and Church-wardens and their successors, in payment of any incumbrance now existing on the said lands, and after the payment thereof, such rents shall be applied in the maintenance and improvement of the said Cemetery and the chapel and buildings erected thereon, or appurtenant thereto, and any surplus thereof in such manner as may be directed by the Vestry of the said Church of St. James.

SCHEDULE A.

All and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Toronto, and Township of York, containing by admeasurement sixty-five acres of land, be the same more or less, being composed of parts of park lots numbers one and two, lying and being on the west

west side of the River Don, and butted and bounded as follows :—commencing where a post has been planted on the limit between lots numbers two and three, at a distance of seventy-five chains, ninety-three links, more or less, from the front of the first concession, on a course north sixteen degrees west ; thence north seventy-four degrees east, thirty chains, fifteen links, more or less into the mill dam ; thence north sixteen degrees east, two chains more or less, to where a post has been planted ; thence north seventy-four degrees east, eight chains thirty-eight links more or less to the river Don ; thence in a northerly direction following the windings of the river to within eleven chains of the south side of the allowance for road on the front of the second concession, and to the eastern boundary of land belonging to Francis Melville Cayley, Esquire ; thence south seventy-four degrees west, thirty chains more or less, to where a post has been planted, marked c. one, number ; thence south sixteen degrees east, thirteen chains, thirty-one links more or less, to the place of commencement, being the premises conveyed or intended to be conveyed by one John Richard Nash and his wife, to the Church-wardens of St. James' Church, Toronto, by indenture bearing date the first day of August, A. D., one thousand eight hundred and forty-four, and registered in the Registry Office of the county of York, on the twenty-ninth day of March, A. D., one thousand eight hundred and forty-seven, and surveyed and laid out as a Cemetery, and thenceforth used for that purpose.

SCHEDULE B.

All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, containing by admeasurement eight-tenths of an acre, be the same more or less, being composed of part of park lot number two, in the first concession from the Bay, in the township of York, and butted and bounded as follows, that is to say :—commencing on the limit between park lots numbers two and three, at the distance of forty-six chains more or less, (on a course north sixteen degrees west) from Lot street ; thence north sixteen degrees west, four chains more or less, to where a post has been planted ; thence north seventy-four degrees east, two chains, more or less, to where a post has been planted ; thence south sixteen degrees east, four chains, more or less, to Frank street ; thence south seventy-four degrees west, two chains, more or less, along Frank street to the place of beginning, being the premises conveyed or intended to be conveyed by one William Henry Boulton, to the Church-wardens of St. James' Church, Toronto, by indenture bearing date the twenty-second day of March, A. D., one thousand eight hundred and forty-seven, and registered in the Registry Office of the county of York, on the twenty-ninth day of March, A. D., one thousand eight hundred and forty-seven, whereon the offices appurtenant to the Cemetery are erected.

SCHEDULE

SCHEDULE C.

All and singular that certain piece or parcel of land, being composed of part of the Government Park Reserve, east of the said city of Toronto, and butted and bounded as follows:—commencing on the eastern limit of the reservation for road between lot number three and said Government Park now called Parliament street, at the distance of seven chains and sixty-six links from Lot street on the northern limit of the reservation for road in front of the said parcel of land on a course north sixteen degrees west, and at the south-west angle of the said parcel of land; then north sixteen degrees west, thirteen chains thirty-two links, more or less, to the allowance for road in rear of the said parcel of land; then north seventy-four degrees east, eleven chains fifty links, to Pine street; then south sixteen degrees east, thirteen chains thirty-two links, more or less, to the allowance for road in the front of the said parcel or tract of land; then south seventy-four degrees west, eleven chains, fifty links, more or less, to the place of beginning, containing fifteen acres, more or less, being the premises conveyed or intended to be conveyed by the Trustees of the Park Reserve, near the city of Toronto, to the Incumbent and Church-wardens of St. James' Church, Toronto, for the purpose of a burial ground, by indenture bearing date the eighteenth day of July, A. D., one thousand eight hundred and thirty-two, and registered on the twenty-second day of January, A. D., one thousand eight hundred and fifty-nine, and being found unfit for that purpose, surveyed and laid off in town lots and leased under the direction of the Vestry of the said Church of St. James.

CAP. CLII.

An Act to enable the Trustees of St. Paul's Church, Montreal, to sell certain Real Estate.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Donald Ross, Joseph Moore Ross, Alexander Macpherson, Andrew Allan, Charles D. Proctor, George Stephen, Alexander Buntin and Alexander Mitchell, in their quality of Trustees of the Montreal St. Paul's Church of the Presbyterian Church of Canada in connection with the Church of Scotland, have, by their Petition, with the concurrence of a large majority of the seat-holders and communicants of the said church, prayed to be authorized to sell the lot and building therein mentioned, and to invest the proceeds in the purchase of a new site, and the erection thereon of a new church as a place of worship for the congregation of the said church; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Trustees or their Successors in office are hereby authorized to sell, in one or more parcels, and either at public or private sale, for such prices as can be obtained therefor, the lot of land fronting on Saint Helen street, in the city of Montreal, with the buildings thereon erected, more particularly described in their Title Deed passed before Gibb and Colleague, Notaries, on the seventeenth day of July, one thousand eight hundred and fifty-two; the purchaser shall not be bound to see to the application of the purchase money, but a discharge from the said Trustees or their Successors in office, or a majority of them, shall liberate him from all responsibility in respect of the application thereof.

Trustees may sell the site of the present Church, &c.

Discharge of Trustees sufficient.

2. The proceeds arising from such sale or sales shall be invested in the purchase of another lot of ground in the said City of Montreal, and in the erection thereon of a new church for the Congregation of the said St. Paul's Church.

Investment in a new site and Church.

3. The conveyance of the said lot of ground shall be made to, and the title thereto shall be vested in the said Trustees and their successors for ever, in trust for the said St. Paul's Church.

New site, &c., to be vested in the Trustees.

4. This Act shall be deemed a Public Act.

Public Act.

C A P. C L I I I.

An Act to place the Wesleyan Methodist Church and property situated on the south side of Queen Street, in the City of Toronto, under the directions of the "Model Deed" of the Wesleyan Methodist Church, in connection with the English Conference for the better management thereof, and to vest the same in certain Trustees under said Deed. .

[Assented to 15th August, 1866.]

WHEREAS the Superintendent Minister, the Trustees of the Queen Street Congregation of the Wesleyan Methodist Church in Canada, in connection with the English Conference and the Official Board of the Toronto City, West Circuit of the said Church have, in pursuance of the resolutions of the Board of Trustees of the said Church in that behalf, and with the consent and approbation of the President in behalf of the Conference of the Wesleyan Methodist Church in Canada, in connection with the English Conference, petitioned for an Act to place the Wesleyan Methodist Church property hereinafter described, and situated on the south side of Queen street in the said city, under the directions and provisions of a deed known as the "Model Deed" of the said denomination of Wesleyan Methodists, and bearing date the twenty-fourth day of May, one thousand

Preamble.

thousand eight hundred and fifty, and registered in the Registry Office of the County of York, at twelve of the clock at noon of the twenty-fifth day of May, one thousand eight hundred and fifty, and inserted in the book of discipline of the said Wesleyan Methodist Church in Canada, published by the Reverend Anson Green, at Toronto, in the year first mentioned, and also to vest the said property in the following persons as Trustees under the Statutes of this Province, and under the same Model Deed, namely :—Henry Leadlay, William J. Turner, Edward Leadlay, Isaac Clare, John Baxter, John Crelock, Abel Wilcocks, William Briscoe, James Cox, John Kerr, and William W. Ogden, M. D. ; and whereas it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

A certain tract of land and Church, placed under the Model Deed, and vested in Trustees.

Legal Name.

Rights of third parties saved.

1. From and after the passing of this Act, all that certain parcel or tract of land and premises lying and being in the city of Toronto aforesaid, being composed of a part of the tract denominated Letter J, adjoining to the Military Reserve, containing by admeasurement ten thousand and eighty square or superficial feet, more or less, butted and bounded as follows : commencing at the distance of three hundred and ninety-four feet, more or less, from the north-west angle of Peter street where a post has been planted on the south side of Lot street, and at the north-east angle of the said Chapel ground ; then south sixteen degrees, east one hundred and forty feet ; thence south seventy-four degrees, west seventy-two feet ; then north sixteen degrees, west one hundred and forty feet to Lot street ; then north seventy-four degrees, east seventy-two feet, to the place of beginning ; and the Church erected thereon shall, in all and every respect whatsoever, be placed under the directions and provisions of the Model Deed aforesaid, and vested in the said Henry Leadlay, William J. Turner, Edward Leadlay, Isaac Clare, John Baxter, John Crelock, Abel Wilcocks, William Briscoe, James Cox, John Kerr, and William W. Ogden, M. D., and their successors as Trustees, under the name of "The Trustees of the Wesley Church, Queen Street, Toronto," under the Statutes respecting the property of Religious Institutions in Upper Canada, and under the said Deed, for such and the same ends, uses, intents and purposes, and with and under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the said Trustees and persons appointed, or to be appointed, and acting in the same manner and with the same duties, powers, liabilities and restrictions in every particular and respect, as are expressed, contained and declared or referred to in the said "Model Deed," saving always such rights as may have been acquired by any person or corporation prior to the passing of this Act.

2. It shall be lawful for the Trustees of the Wesley Church, Queen street, Toronto, aforesaid, in accordance with the provisions and under the restrictions of the said "Model Deed," to mortgage the said property and the Church erected thereon with the appurtenances, for the purposes set forth in the said "Model Deed," and none other whatsoever.

Trustees may mortgage under Model Deed.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . C L I V .

An Act to authorize the Trustees of the Presbyterian Congregation of the town of Woodstock, in connection with the Church of Scotland, to sell certain lots in the said Town, held by them in trust for the said Congregation.

[Assented to 15th August, 1866.]

WHEREAS the Trustees of the Presbyterian Congregation of the Town of Woodstock, in connection with the Church of Scotland, have, by their petition to the Legislature, represented that certain parcels of land, being composed of Lots numbers two and three, on the east side of Graham Street, in the Town of Woodstock, in the County of Oxford, were granted by Letters Patent from the Crown, of date the twelfth day of June one thousand eight hundred and fifty-four, to certain Trustees therein named and their successors in office, forever, to be elected in the manner provided for in such Letters Patent, in trust for the benefit of the Presbyterian Congregation of the Town of Woodstock, in connection with the Church of Scotland; and whereas, the said petitioners have further represented that the present Trustees of the said Congregation are, James Chambers, Robert Chambers, senior, Robert Chambers, junior, Alexander Cuthbert, Charles Cuthbert, George Hay and John B. Hunter, and that the said Trustees were duly elected as such; and whereas, the said petitioners have further represented that the said Congregation are indebted for money obtained some years ago for the purpose of repairing the Church of the said Congregation, and are also indebted in a certain sum to the Clergy Reserve Commissioners of the Presbyterian Church of Canada, in connection with the Church of Scotland; and whereas the said petitioners have further represented that the Church belonging to the said Congregation was erected many years ago, and, from the decayed condition into which it has fallen, would require constant and expensive repairs; and whereas the said petitioners have further represented that by the sale of the before-mentioned parcels of land, and the purchase of other lands of much less value, but equally suitable for the purposes of the said Congregation, the debts of the said Congregation would be paid off, and the surplus remaining would enable them to purchase other land, as aforesaid, and also

Preamble.

also to erect a Church thereon for the use of the said Congregation ; and whereas it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Trustees may
sell certain lots
of land.

And convey
the same.

Application of
proceeds.

New Manse.

Proviso :
obligation of
Trustees sel-
ling.

Public Act.

1. James Chambers, Robert Chambers, senior, Robert Chambers, junior, Alexander Cuthbert, Charles Cuthbert, George Hay and John B. Hunter, or a majority of them, or the Trustees for the time being elected under the provisions of the said Letters Patent, as hereinafter mentioned, or a majority of such Trustees, shall have full power and authority, with the sanction of the Presbytery of London or Synod of Canada, in connection with the Church of Scotland, to sell the said parcels of land, composed of lots numbers two and three on the east side of Graham street, in the Town of Woodstock aforesaid, either in one parcel or in two or more parcels, to such person or persons, party or parties as may be willing to become the purchaser or purchasers thereof, and that in such manner, whether by public sale or private contract, or partly by the one way and partly by the other, and at such times and at such price or prices, and on such terms of payment and security as to them or a majority of them, as aforesaid, may seem best, and by a good and sufficient title or titles under their hands and seals, to convey the same, when so sold, to the purchaser or purchasers thereof, and, with the advice of the Presbytery of London, to apply the proceeds of such sale or sales, and the sale or sales of such securities as may be taken by them as aforesaid, in the liquidation of the debts owing by the said Congregation, and also for the purchase of a piece of ground in Woodstock, and for the erection of a church thereon, to be held by the said Trustees, or by such a number of them as the said Congregation shall elect, in conformity with the provisions of the said Letters Patent, and their successors duly elected as aforesaid, in trust for the benefit of the said Congregation, and to apply the surplus, if any, in or towards building of a Manse for the Minister of the said Congregation, or otherwise for the use of the said Congregation, as such Congregation may decide at any meeting called in conformity with the provisions of the said Letters Patent ; Provided always, that the Trustees who shall join in the sale and conveyance of the said lots, or of any portion or portions thereof, shall be personally liable to see to the application of the moneys arising therefrom to the purposes contemplated by this Act ; but the purchaser or purchasers shall not.

2. This Act shall be deemed a Public Act.

CAP. CLV.

An Act to vest the Protestant Burial Ground at
Hudson in the Incumbent and Church-wardens of
St. James' Church, Vaudreuil.

[Assented to 15th August, 1866.]

WHEREAS by a deed of sale and conveyance made, bearing date and executed at Rigaud, in Lower Canada, on the seventh day of October, one thousand eight hundred and nineteen, one Cornelius Cook, of the Parish of Ste. Magdeleine de Rigaud, farmer, sold and conveyed to John Witlock and William Schnider, of the said parish, a certain piece of land described in the said deed as follows, namely : Preamble.

" A piece of land situate in the said Parish of Ste. Magdeleine, Seignior of Vaudreuil, containing seven perches in front by three-quarters of an arpent in depth, bounded in front by the north side of the front road of the lands of the said place, in rear and on one side by the vendor, and on the other side by James Cook, without buildings thereon ;" upon condition that the said piece of land should be employed and used as a burial ground, for all the Protestants of the Seigniories of Vaudreuil and Rigaud, then actually residing in the said Seigniories, an their families and households ; and upon the further condition that the said John Witlock and William Schnider, their heirs and assigns, should be held and bound to dispossess themselves of the said piece of land in favor of whomsoever it may appertain, so soon as those professing the Protestant religion should judge proper to erect a church at the said place ; and whereas the Protestant Episcopal congregation of St. James' Church have always had the charge of the said burial ground, and did in the year one thousand eight hundred and forty-two erect a church at the said place, which was the first church erected in said Seignior of Vaudreuil, and the only Protestant Church erected near the said piece of ground ; and whereas it has been made to appear by the petition of persons residing in the said Seigniories of various Protestant denominations, that it would be for the advantage of the Protestant community that the said piece of land should be vested in the corporation of the said church, to which in fact by the condition of the said sale, the said corporation is entitled, but which cannot be effected otherwise than by legislation, by reason of the impossibility of discovering the present representatives of the said John Witlock and William Schnider ; and whereas it is expedient to vest the said piece of land for the purposes aforesaid, in the Incumbent and Church-wardens of the said church : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Deed of land from C. Cook, recited.

Appropriation of the land as a burial ground.

1. The said piece of land shall be vested for ever in the Incumbent and Church-wardens of St. James' Church, Vaudreuil, The said burial ground vested for

in Incumbent
and Church-
wardens.

for the purpose of being employed and used exclusively as a burial ground for the several denominations of Protestants of the Seigniories of Vaudreuil and Rigaud, their families and households.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . C L V I .

An Act to incorporate the Crystal Lake Cemetery Company.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Carlos Pierce, Ichabod Smith, Charles C. Colby, William S. Hunter and Leonard K. Benton, by their petition have set forth, that they have acquired a piece of land, supposed to contain about twenty-five acres, in the Township and County of Stanstead, in this Province, for use as a Public Cemetery; and that many interments have taken place therein, and the same is in constant use, and is on public grounds needed for a Cemetery, and have prayed to be incorporated as hereinafter is set forth, in order to the perpetual keeping up of the same as such Cemetery; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. Carlos Pierce, Ichabod Smith, Charles C. Colby, William S. Hunter and Leonard K. Benton, Esquires, and all other persons who may, by virtue of this Act, replace or join them for the above purpose, are hereby constituted a body corporate and politic, by the name of "The Crystal Lake Cemetery Company," and by that name may, by any legal title, acquire, and may hold for ever, for use as a public Cemetery, the said piece of land, and any other land adjacent thereto, not exceeding one hundred acres; and by contributions or otherwise, as by their by-laws shall be provided, may form a fund for the due maintenance and embellishment thereof; and from time to time may make by-laws for the admission and for the expulsion of members of the Corporation, and for the formation, maintenance, management, and application of such fund, and for defining and regulating all manner of rights of the Corporation and of the members thereof, and for imposing and enforcing any penalty or forfeiture, and generally for the government of all business connected with the Corporation; and may from time to time amend or repeal such by-laws; and all such rights, penalties and forfeitures, shall be such and such only, and may be enforced in such mode, and in such mode only, as by such by-laws shall be defined and limited.

Corporate
name.

Funds.

By-laws, for
certain pur-
poses.

Amendment
and enforcing
By-laws.

Application of
funds.

2. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the

the maintenance of the Corporation, and to the furtherance of the object aforesaid.

3. The Corporation may administer their affairs by such Directors and so many directors and other officers, and under such restrictions, as touching their powers and duties, as by by-law they may from time to time ordain ; and they may assign to any of such officers such remuneration as they may deem requisite. Directors and officers.

4. In any suit or legal proceedings by or against the Corporation, no person shall be disqualified as a witness by reason of his being or having been an officer or member thereof. Members may be witnesses, &c.

5. The Corporation shall at all times, when thereunto required by either branch of the Legislature, or by the Auditor, make a full return of their property and their receipts and expenditure, for such period and with such details and other information as may be required. Returns to government.

6. This Act shall be deemed a Public Act.

Public Act.

CAP. CLVII.

An Act to enable Philip Pearson Harris to obtain a Patent for a Machine for refining and deodorizing Crude Petroleum Oil.

[Assented to 15th August, 1866.]

WHEREAS Philip Pearson Harris, of the City of Quebec, has, by his Petition to the Legislature, represented that he is a British Subject and a resident of Canada ; that his brother Edward Marshall Harris, who, although residing at present in the City of New York, in the United States of America, is also a British Subject, is, in conjunction with one Rufus Porter and one Reuben D. Turner, joint inventor of a new and useful Machine for refining and deodorizing Crude Petroleum Oil ; and that he the said Philip Pearson Harris has acquired from the said Inventors the knowledge of the particulars of the said invention ; and hath prayed that an Act may be passed to enable him to obtain a Patent for the said Machine and discovery ; and whereas it is expedient that the prayer of the said petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. Notwithstanding any thing to the contrary contained in chapter thirty-four of the Consolidated Statutes of Canada, intituled : *An Act respecting Patents for Inventions*, it shall be lawful for the Governor General, if he shall see fit, upon satisfactory proof of the truth of the said statements of the said Petitioner, Governor may grant a patent notwithstanding Con. Stat. Can. c. 34.

Petitioner, to grant Letters Patent to the said Philip Pearson Harris for the said Machine and discovery, in the same manner and to the same effect as the same might have been granted to him under the said Act if he had been the inventor of the said Machine and discovery.

Patent to be
on certain con-
ditions.

2. Any such Letters Patent to be granted as aforesaid shall nevertheless be granted on the following conditions :

Factory in Ca-
nada.

1. That the Patentee shall, within two years from the date of the Letters Patent, establish or cause to be established, within the limits of this Province, a factory for the manufacture of the said machine ;

2. That the privileges granted by such Letters Patent shall be available to the Patentee so long only as such factory shall continue in operation.

Requirements
before the Pa-
tent shall be
granted.

3. Before any Patent is granted under this Act the Petitioner shall give one month's notice in the Official Gazette, of his intention to apply for the same, stating therein the name of the original inventor, the date of the Patent obtained in the United States, and such other particulars as will sufficiently identify the invention.

Public Act.

4. This Act shall be a Public Act.

C A P . C L V I I I .

An Act to authorize the issuing of Letters Patent of Invention to Arthur Rankin, for a new and hitherto unknown description of fuel.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Arthur Rankin, of Thornfield, in the County of Essex, hath, by his petition, represented that he has become possessed, by purchase from the inventor, in the United States, of a process for the manufacture of a new and hitherto unknown description of fuel, which can be used as a substitute for coal, wood, or any other fuel heretofore known or used, either in this country or elsewhere, and which can be manufactured at so moderate a cost as to render it an article of great economic value ; and that he is desirous of being empowered to apply for, and if found entitled thereto, to obtain a patent for the same, and it is expedient to grant the prayer of his petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Governor may
grant a Patent
notwithstan-

1. It shall and may be lawful for the Governor if he shall see fit, and upon being satisfied that the said Arthur Rankin represents

represents the original inventor of the said process, to grant a Patent to the said Arthur Rankin for the said invention or process, in the same manner, upon the same conditions and restrictions, and to the same effect, as the same might have been granted to him under Chapter thirty-four of the Consolidated Statutes of Canada, intituled : *An Act respecting Patents for Inventions*, if he had been the introducer of the said process, from any place on the Continent of Europe beyond the limits of Her Majesty's dominions ; but no Patent shall issue under the provisions of this Act until after one month's notice shall have been given in the *Official Gazette*, stating the name of the original inventor and such particulars as will identify the invention, nor until proof of the service of such notice upon the inventor personally or by mail to the satisfaction of the Minister of Agriculture shall have been made.

ding Con. Stat.
Can. c. 34.

Conditions pre-
cedent to such
Patent.

2. Any such Letters Patent to be granted as aforesaid shall, nevertheless, be granted on the following conditions :

Conditions on
which the Pa-
tent shall be
granted.

1. That the Patentee shall, within two years from the date of the Letters Patent, establish or cause to be established within the limits of this Province a factory for the manufacture of such fuel by such process ;

Factory in Ca-
nada.

2. That the privileges granted by such Letters Patent shall be available to the Patentee so long only as such factory shall continue in operation.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. CLIX.

An Act to permit the issuing of Letters Patent for a certain new and useful invention to Henry John Boswell.

[Assented to 15th August, 1866.]

WHEREAS Henry John Boswell, of Cobourg, in the Province of Canada, gentleman, a native of this Province, hath represented that he hath discovered and obtained a knowledge of, and is desirous of introducing in this Province a new and useful invention, for piling railway rails and other iron, for the purpose of heating and re-rolling, patented in the United States of America, by John Griffin and Micajah P. Weeks, and hath procured models, plans and specifications thereof ; and that he hath purchased from the patentees and hath had assigned to him the said Patent, for the use of British North America, and hath petitioned the Legislature to pass an Act to enable him to procure a Patent as the introducer of the said invention, or as the assignee of the said Patent : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

Governor may
grant Patent
notwithstan-
ding Con. Stat.
Can. c. 34.

1. It shall and may be lawful for the Governor, on the petition to him of the said Henry John Boswell, and upon satisfactory proof of the truth of the statement of the petitioner, to grant a Patent to him the said Henry John Boswell as the introducer of the said invention, or as the assignee of the said patent issued in the United States of America, in the same manner, with the same privileges and under the same regulations, conditions and restrictions, as are now in force in this Province, in respect of inventions introduced from the continent of Europe, beyond the limits of Her Majesty's dominions, notwithstanding anything contained in the Act respecting Patents for inventions, which prevents the issuing of Patents for inventions discovered or patented in the said United States of America.

Conditions on
which Patent
shall be gran-
ted.

2. Any such Letters Patent to be granted as aforesaid shall nevertheless be granted on the following conditions :

Factory in Ca-
nada.

1. That the Patentee shall, within two years from the date of the Letters Patent, establish or cause to be established, within the limits of this Province, a factory for the manufacture of the said machine ;

2. That the privileges granted by such Letters Patent shall be available to the Patentee so long only as such factory shall continue in operation.

Notice to be
given before
Patent issues.

3. Before any patent is granted under this Act, the petitioner shall give one month's notice in the *Canada Gazette*, of his intention to apply for the same, stating therein the name of the original inventor, the date of the Patent obtained in the United States, and such other particulars as will sufficiently identify the invention, nor until proof of the service of such notice upon the inventor personally or by mail to the satisfaction of the Minister of Agriculture shall have been made.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . C L X .

An Act to enable Pierre Eymard Jay and the Honorable Louis Antoine Dessaulles to take out, conjointly, Patents of Invention for different machines and inventions in this Act mentioned.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Pierre Eymard Jay and the Honorable Louis Antoine Dessaulles have by their Petition set forth that the said Pierre Eymard Jay, a Frenchman by birth, has come to Canada for the purpose of taking out patents of invention for several machines invented by him, which have not, as yet, been

been made use of anywhere, and for which letters-patent have not been granted him in the Province of Canada; and, that he the said Honorable Louis Antoine Dessaulles, being a British subject, resident in this Province, has acquired a knowledge of the said inventions, from the said Pierre Eymard Jay, and has become part proprietor thereof, but as such knowledge was acquired by him in this country, it is not lawful for him, in accordance with the law as it now stands, to take out such Letters-Patent of invention therefor; and that the said several machines are as follows:

1st. A double action pump for liquids or fluids by means of which a complete vacuum may be obtained;

*Inventions
enumerated.*

2nd. An apparatus for completely deodorizing petroleum or coal oil;

3rd. A machine intended to raise capsized and foundered ships, or to get off ships that are aground, without external assistance;

4th. A constantly burning furnace of peculiar construction, for the melting of powdered ores;

5th. A machine for washing the said ores;

6th. A new motory apparatus for ships;

7th. A saw of a new pattern with continuous movement;

And whereas the said Pierre Eymard Jay and the said Honorable Louis Antoine Dessaulles have prayed for protection for the said inventions, and that they may be empowered to apply for, and if entitled thereto to obtain Letters Patent for the said machines and inventions, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Notwithstanding anything contained in chapter thirty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting Patents for Inventions*, the said Pierre Eymard Jay and the Honorable Louis Antoine Dessaulles may conjointly and in the manner prescribed by the said Act, apply to the Governor of this Province for Letters Patent of invention, for each of the following machines and inventions, viz:

*Patents may
issue to P. E.
Jay and Hon.
L. A. Des-
saules for
certain inven-
tions notwith-
standing Con-
Stat. Can. c.
34.*

1st. For a double action pump for liquids or fluids by means of which a complete vacuum may be obtained;

2nd. For an apparatus for completely deodorizing petroleum or coal oil;

3rd. For a machine intended to raise capsized and foundered ships, or to get off ships that are aground, without external assistance ;

4th. For a constantly burning furnace of peculiar construction for the melting of powdered ores ;

5th. For a machine for washing the said ores ;

6th. For a new motory apparatus for ships ;

7th. For a saw of new pattern with continuous movement ;

Conditions of the Patent and how certain provisions of the law shall apply to it.

And the Governor, after the formalities prescribed by the said Act shall have been observed, may, if he think fit, and upon proof of the truth of the statements so made by the said petitioners, grant a Patent for each of the said machines and inventions for the period of time, and in the manner, and upon the conditions and restrictions prescribed by the said Act, in like manner as if the said Pierre Eymard Jay had been a subject of Her Majesty, and in like manner as if the said Honorable Louis Antoine Dessaulles had acquired a knowledge of such inventions in any place on the continent of Europe beyond the limits of Her Majesty's Dominions ; and the parts of the said Act which require that any person who shall apply for a Patent of Invention shall be a subject of Her Majesty, or that being a subject of Her Majesty, he shall have acquired a knowledge of the said inventions in a foreign country, other than the United States of America, shall not be deemed or held to apply to the said Pierre Eymard Jay and the said Honorable Louis Antoine Dessaulles, in respect of the said inventions and discoveries, or in respect of their joint application and the granting of letters patent in compliance therewith ; but no patent shall issue under the provisions of this Act until after one month's notice shall have been given in the Official Gazette, stating the name of the original inventor and such particulars as will identify the invention, nor until proof of the service of such notice upon the inventor personally or by mail to the satisfaction of the Minister of Agriculture shall have been made.

Proviso : notice to be published before the Patent is granted.

Patent to become void, &c.

2. Any patent granted under the powers conferred by this Act, shall become void after the expiration of two years from the date thereof, if the said process be not put in operation in this Province by the patentees or their assigns within the said period.

Conditions on which it shall be granted.

3. Any such Letters Patent to be granted as aforesaid shall nevertheless be granted on the following conditions :

Factory in Canada.

1. That the patentee shall within three years from the date of the Letters Patent establish or cause to be established within the

the limits of this Province a factory or factories for the manufacture of, or for the putting into operation of such machines and inventions as the Governor may see fit to require in each case ;

2. That the privileges granted by such Letters Patent with respect to each such machine or invention, shall be available to the patentee so long only as the same or the factory for the manufacture thereof, shall continue in operation.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X I .

An Act to enable the Honorable Philip H. Moore to obtain a Patent for the invention of a new method of manufacturing peat into coal by process of steam.

[Assented to 15th August, 1866.]

WHEREAS the Honorable Philip H. Moore, a Member of the Legislative Council of this Province, has, by his petition, represented that an invention of great economical value for manufacturing peat into coal by process of steam, has recently been discovered in the United States of America, and that the introduction of that invention into this Province would prove of great public utility ; and has prayed that an Act may be passed authorizing the Government of this Province to secure to him by Letters Patent the exclusive right to make use of said invention within this Province, and it is expedient to grant the prayer of said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. It shall be lawful for the Governor General if he shall see fit, and upon being satisfied that the Honorable Philip H. Moore represents the original inventor thereof, to grant Letters Patent to the said Honorable Philip H. Moore, for the said process, invention and discovery, securing to him and his representatives and assigns, the exclusive right to make use of such invention, process and discovery, within this Province, for the period of fourteen years, in the same manner and to the same effect with the same privileges and under the same conditions and restrictions and to the same effect as the same might have been granted to the original inventor, under Chapter thirty-four of the Consolidated Statutes of Canada, intituled : *An Act relating to Patents for Inventions*, if the said inventor had been a subject of Her Majesty, residing in Canada when he discovered such invention.

Governor may granted a Patent under Con. Stat. Can. c. 34, on being satisfied, &c.

2. Any such Letters Patent to be granted as aforesaid, shall, nevertheless, be granted on the following conditions :

Conditions on which Patent shall be granted.
1. ed.

Factory in Canada.

1. That the Patentee shall, within two years from the date of the Letters Patent, establish or cause to be established, within the limits of this Province, a factory for the manufacture of peat into coal by such process ;

2. That the privileges granted by such Letters Patent shall be available to the Patentee so long only as such factory shall continue in operation.

Notice to be given before the Patent is granted.

3. Before any patent is granted under this Act the petitioner shall give one month's notice in the Official Gazette of his intention to apply for the same, stating the name of the original inventor, the date of the patent if any obtained in the United States and such other particulars as will sufficiently identify the invention.

Public Act.

4. This Act shall be deemed a Public Act.

C A P. C L X I I.

An Act to enable Casimir Stanislaus Gzowski and the Honorable David Lewis Macpherson to obtain Letters Patent for the invention of certain improvements in treating certain ores and alloys and in obtaining metals and other products therefrom.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS Casimir Stanislaus Gzowski, of the city of Toronto, civil Engineer, a British subject, and the Honorable David Lewis Macpherson, a member of the Legislative Council of this Province, have, by their petition, represented that they have by agreement with William Henderson, of the city of Glasgow, in Scotland, Esquire, and his associates, all British subjects, acquired the invention of him, the said William Henderson, for improvements in treating certain ores and alloys, and in obtaining metals and other products therefrom, which said improvements relate to the economical treatment of minerals containing copper, iron and several other metals, and have, for their object, the utilizing of ores, either too poor to treat economically by the usual processes, on the separation of different metals occurring in one mineral, from one another and which metals, though valuable separately, are much reduced in value by being alloyed, and which invention and improvements consist of : First—Two modes or methods of or processes for the treatment of ores of copper when found as oxides, carbonates, phosphates, arseniates or other salts of copper ; Second—An improved mode or method of or process for obtaining copper and silver from sulphuret ores of copper or silver ; Third—The manufacture of iron and steel direct from ores ; And have further represented by their said petition that the introduction and use of the said improvements

into

Inventions enumerated.

into Canada will materially aid in developing the mineral wealth of the country, and that the several modes, methods or processes above specified are peculiarly adapted to the treatment of native ores of the Province, and further that it is their intention, if Letters Patent be granted them, to establish works in this Province, in which to use the said invention and improvements of the said William Henderson, and have prayed that an Act may be passed authorizing the Governor to secure to them by Letters Patent, the exclusive right to make use of said invention and improvements as aforesaid within this Province, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Notwithstanding any thing to the contrary contained in chapter thirty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting Patents for Inventions*, it shall be lawful for the Governor, if he shall see fit, and upon satisfactory proof of the truth of the statements of the Petitioners, and that the original inventor could, if a resident of this Province, legally apply for and obtain a Patent for the said invention, to grant a patent to them as the Assignees of the original inventor for the said invention, improvements and processes; but no patent shall issue under the provisions of this Act until after one month's notice shall have been given in the Official Gazette, stating the name of the original inventor, and such particulars as will identify the invention, nor until proof of the service of such notice upon the inventor personally or by mail to the satisfaction of the Minister of Agriculture shall have been made, and any such Patent, to be granted as aforesaid, shall nevertheless be granted on the following conditions: First—That the Patentees shall, within three years from the date of the Patent, establish or cause to be established, within the limits of this Province, works in which the said inventions, improvements and processes shall be used, practised and carried on: Second—That the privileges granted by such Patent shall cease upon the abandonment of such works and stoppage thereof for a period of one year at any one time during the term for which the Patent is granted.

Governor may grant a Patent notwithstanding Con. Stat. Can. c. 34.

On proof of certain facts.

Notice before Patent shall issue.

Conditions on which it shall be granted.

Factory in Canada.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXIII.

An Act to authorize the issue to Messrs. J. D. Whelpley and J. J. Storer, of Letters Patent for a new and improved system of treating Metallic Ores.

[Assented to 15th August, 1866.]

WHEREAS James D. Whelpley and Jacob J. Storer, of the City of Boston, in the United States, have by their petition represented that they are the inventors of—

Preamble.

Inventions
enumerated.

1. A crusher and pulverizer for reducing to powder, by novel and improved methods, metallic and mineral substances, including fuel ;
2. Improvements in the application of pulverized fuel as a combustible for the generation of heat and light ;
3. A process for the treatment of the metallic ores and fuel thus pulverized in a peculiar furnace, and the subsequent operation and reduction of the metals thus treated ;
4. A spray-wheel for wetting down and precipitating dust and noxious gases from furnaces ; the whole above series of inventions forming parts of, and being necessary to a new and perfected method of metallurgy, which is specially adapted to working, with very great economy and profit, the ores of copper and of gold.

And whereas it is believed that the said inventions have not been hitherto used or known in Canada, and that they will become of great importance in the development of the mineral wealth of the Province, and the petitioners Messrs. Whelpley & Storer pray, that they may be protected in the use of their inventions by Letters Patent ; and whereas it is expedient to grant the prayer of their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Governor may
grant a Patent
notwithstanding
Con. Stat.
Can. c. 34.

1. It shall be lawful for the Governor, upon satisfactory proof of the truth of the statements of the Petitioners, to grant Letters Patent to the said James D. Whelpley and Jacob J. Storer for their aforesaid inventions and processes, in the same manner, with the same privileges, under the same conditions and restrictions, and to the same effect as the same might have been granted to them under Chapter thirty-four of the Consolidated Statutes of Canada, intituled : *An Act respecting Patents for Inventions*, if the said Whelpley and Storer had been subjects of Her Majesty residing in Canada, when they discovered such inventions.

Conditions on
which the Pa-
tent shall be
granted.

2. Any such Letters Patent to be granted as aforesaid shall nevertheless be granted on the following conditions :

Factory in Ca-
nada.

1. That the Patentees shall, within two years from the date of the Letters Patent, establish or cause to be established, within the limits of this Province, works in which the said series of inventions, and new and perfected system of metallurgy of which they form parts shall be used, practised and carried on ;

2. That the privileges granted by such Letters Patent shall be available to the Patentees so long only as such works shall continue in operation.

3. Before any Patent is granted under this Act, the petitioners shall give one month's notice in the *Official Gazette* of their intention to apply for the same, stating therein the name or names of the original inventors, the date of the Patent, if any, obtained in the United States, and such other particulars as will sufficiently identify the inventors, and their said inventions.

Notice to be given before the Patent issues.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X I V .

An Act to enable Hugh Burgess to obtain a Patent for certain new and useful Improvements.

[Assented to 15th August, 1866.]

WHEREAS Hugh Burgess, a British subject, has by his petition represented that while a resident of the United States of America he discovered new and useful improvements in boilers and furnaces for pulping and disintegrating vegetable substances and for making paper pulp and other useful products, and that he is desirous of having the said inventions and discoveries patented in this Province with a view to secure for a limited time the exclusive use of the same, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Notwithstanding anything to the contrary in chapter thirty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting Patents for Inventions*, it shall be lawful for the Governor General, if he shall see fit, upon satisfactory proof of the truth of the said statements of the said Petitioner, to grant Letters Patent to the said Hugh Burgess for the said new and useful improvements, inventions and discoveries hereinbefore mentioned, in the same manner, with the same privileges and to the same effect as the same might have been granted to him under the said Act if the said Hugh Burgess had been residing in Canada when he discovered such inventions as aforesaid.

Governor may grant Patent notwithstanding Con. Stat. Can. c. 34.

2. Any such Letters Patent to be granted as aforesaid shall nevertheless be granted on the following conditions:

Conditions on which the Patent shall be granted.

1. That the Patentee, his heirs or assigns shall, within two years from the date of the Letters Patent, establish or cause to be established, within the limits of this Province, a factory for the manufacture of such improved boilers and furnaces, and in which the said improvements and discoveries shall be put and continued in use;

Factory in Canada.

2. That the privileges granted by such Letters Patent shall cease upon the abandonment of such works and stoppage thereof for a period of one year at any one time during the term for which the Patent is granted.

Notice to be given before the Patent shall issue.

3. Before any Patent is granted under this Act, the Petitioner shall give one month's notice in the Official Gazette of his intention to apply for the same, stating therein the date of the Patent, if any, obtained in the United States for any of the said inventions or discoveries, with such particulars thereof as will sufficiently identify the said inventions and discoveries.

Public Act.

4. This Act shall be a Public Act.

CAP. CLXV.

An Act to enable compensation to be made to the heirs of the late Mrs. Elizabeth McKay for the erroneous issue by the Crown of Letters Patent for lands to which she was entitled.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS under the authority of the Heir and Devisee Commissioners of Upper Canada, Letters Patent were issued on the eighth October, one thousand eight hundred and twenty-nine, to Elizabeth McKay, as the daughter and heiress at law of Lieutenant Duncan Murray, of the eighty-first regiment of foot, for lots numbers fifteen, sixteen, seventeen, eighteen, nineteen and twenty, in the fifth concession, and seventeen in the sixth concession of the Township of Grantham, in the County of Lincoln, in fee simple; and whereas, after the issuing of the said Letters Patent it was discovered that Letters Patent had already been issued by the Crown for the same lands, to one Robert Hamilton, in fee simple, and five years and upwards had elapsed from the said discovery before the passing of any of the Public Lands Acts, providing for the allowance of compensation in such cases, and it is doubtful whether the case of the said Elizabeth McKay can be dealt with under the Public Lands Act, and it is expedient to enable the Governor in Council to deal with the case of the said Elizabeth McKay, who is now dead, under the twenty-third section of the Act passed in the twenty-third year of Her Majesty's reign, chaptered two, and intituled: *An Act respecting the sale and management of the Public Lands*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in council may grant compensation to Mrs. McKay.

1. For and notwithstanding anything in the said twenty-third section of the said recited Act contained, it shall be lawful for the Governor in Council, should he see fit, to assign lands or grant certificates to purchase Crown Lands, to the heirs

heirs of the said Elizabeth McKay, of such value, and to such extent, as shall to him seem just and equitable under the circumstances; such compensation not to exceed the value of the land above referred to at the time when the same was granted by the Crown to the said Elizabeth McKay, with interest from the time of making application for redress; and provided also that the amount of such claim shall not exceed the sum of twenty dollars per acre as the value of such land at the time of the issuing of the said letters patent to the said Elizabeth McKay.

Limitation of amount.

Proviso.

CAP. CLXVI.

An Act to authorize Margaret Besserer to sell a block of land in the City of Ottawa for the benefit of her Son, the devisee, a Minor.

[Assented to 15th August, 1866.]

WHEREAS the late Louis Theodore Besserer, in his lifetime of the City of Ottawa, by his last Will devised to his son Andrew Donald Besserer, a minor, that certain block of land in the City of Ottawa, lying between Wilbrod and Theodore Streets and east of the extension of Charlotte Street to the River Rideau; and whereas it has been represented by the petition of Margaret Besserer, widow of the said Louis Theodore Besserer, and Executrix of the Will and Guardian of the said devisee that the property is unremunerative, and is subject to annual taxation, for the payment of which no provision has been made, under the Will, and that it would be for the benefit of the said minor if the said block of land could be sold, and the proceeds invested for his support and education; and whereas the said Margaret Besserer has prayed that she may be authorized to sell the said block of land for the benefit of the said devisee, and it is expedient to grant the prayer of the petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Margaret Besserer is hereby authorized and empowered to sell and convey the block of land above described in fee simple, either for ready money or for part in ready money with the balance secured by mortgage on the land, and to give to the purchaser a good and sufficient conveyance thereof; Provided, always, that the consideration money arising from such sale, or from any mortgage taken to secure any part of the purchase money, shall be paid into one of the Chartered Banks of this Province, at the City of Ottawa, to the credit of the Registrar of the Court of Chancery for Upper Canada and Margaret Besserer, in order that the money may be invested for the benefit of the devisee, subject to the approbation of the Court of Chancery, and the interest applied to his support and education during his minority.

Sale of land authorized.

Proviso: for investment of proceeds.

2. This Act shall be deemed a Public Act.

Public Act.

CAP.

CAP. CLXVII.

An Act to authorize the sale of certain lands belonging to the estate of the late Honorable Peter Adamson.

[Assented to 15th August, 1866.]

Preamble.

Will of Peter Adamson received.

WHEREAS Charles Mitchell, of the Village of Norval, in the Township of Esquesing, in the County of Halton, Esquire, and Isabella, his wife, have presented their petition to the Legislature of this Province, setting forth that by the Will of General the Honorable Peter Adamson, late of "Toronto House," in the County of Peel and Province of Canada, all his real estate in the said County of Halton, consisting of lots numbers eleven, twelve, thirteen, and the south half of lot number fourteen, in the said Township of Esquesing, containing together about seven hundred acres, was devised to the said Charles Mitchell for the term of his natural life, and after his death unto and among his *only two* surviving sons, Alexander and Ferdinand, and their heirs and assigns, as tenants in common, subject to certain charges and conditions therein expressed: and the said Charles Mitchell and Isabella, his wife, were appointed Executors to the said Will;

And by the said petition it was further set forth that the said Peter Adamson at the time of his death, stood indebted to the Ontario Bank, and others, in a considerable amount as the Indorser of certain promissory notes made by the said Charles Mitchell, and since his death judgments have been recovered for such indebtedness which now form a lien upon the said above-described lands; the said Ontario Bank having the first liens thereon;

And whereas, it is further represented that the said above-described property is very valuable for manufacturing and milling purposes, and if the same were put up for sale and sold under the said judgments, it is doubtful whether a sum large enough would be realized therefrom to discharge such judgments, but if the same were sold in parcels and by private sale, or the same mortgaged, the said judgments could be readily paid off, and the said property or the residue thereof (in case of sales of parts thereof) would still remain, and form a portion for the heirs of the said Charles and Isabella Mitchell, as contemplated in and by the said Will;

And whereas, it is further represented that the children of the said Charles and Isabella Mitchell, namely, Isabel, the wife of John McBride, of the City of Toronto, Barrister at Law: Rose, the wife of James Irvine, of Ceylon, Esquire; Kate, Johanna, Mary, Laura, Alexander and Ferdinand are all minors, with the exception of Isabel and Rose, and that it would be for the interest of the said children to allow the said Charles

Charles Mitchell to sell the whole or such parts of the said property as may be necessary, or to mortgage the same, for the purpose of paying, satisfying and discharging the said judgments, and the said Ontario Bank consents thereto upon the terms hereinafter mentioned, and it is expedient to grant such relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall and may be lawful for the said Charles Mitchell, and he is hereby authorized and empowered so to do, to make sale and absolutely dispose of the said above-described parcels or lots of land and premises, or such parts thereof as may be necessary, and to make, execute and deliver all such deed or deeds requisite and necessary to be given to give effect to such sales, with the consent of the said Ontario Bank, testified by being parties to such deeds as hereinafter mentioned; provided always, that the money realized from such sale or sales, shall be paid to the said Ontario Bank, and applied in satisfying and discharging the judgments in the preamble mentioned, according to their priority, and any surplus shall be held and applied for the purposes and subject to the charges imposed by the said Will on the said land.

Charles Mitchell empowered to sell or mortgage the lands.

Application of proceeds.

2. In case of a sale or sales of the said parcels or lots of land and premises, or of any part or parts thereof, it shall be lawful for the said Charles Mitchell, with such consent as aforesaid, to sell partly for cash and partly on time, and to take and receive from the purchaser or purchasers a mortgage or mortgages on the property so sold, to secure the due payment of the residue of such purchase money; Provided always that the said mortgages shall be made to the said Ontario Bank, and the time for payment thereof shall not exceed two years.

Further powers for mortgage and sale.

3. Any sale or conveyance of the said parcels or lots of land and premises, or of any part or parts thereof, or any mortgage or mortgages thereof, made, executed and delivered as aforesaid, shall for all intents and purposes whatsoever be binding in law and equity upon the heirs, executors and administrators of the said Charles and Isabella Mitchell, and the devisees under the said Will, and it shall not be necessary for any purchaser to see to the application of the purchase or mortgage money.

Sales and mortgages to bind representatives of C. and I. Mitchell.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXVIII.

An Act to confirm and make valid the will of the late George Desbarats in Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

Will of Geo.
Desbarats recited.

WHEREAS George Desbarats, late of the City of Montreal, in the Province of Canada, Esquire, Queen's Printer, died on or about the twelfth day of November, in the year of Our Lord one thousand eight hundred and sixty-four, having first made and executed his last will and testament in writing, dated at Toronto, on or about the twenty-fourth day of May, in the year of Our Lord one thousand eight hundred and fifty-eight, whereby after devising various sums of money to his wife and children, he did direct the residue of his fortune (if there should be any) to be divided equally between his children, and he did thereby appoint his wife therein called Louise Pothier his testamentary executrix, conjointly with his eldest son, George Edward Desbarats, therein called George Desbarats, whom he named testamentary executor conjointly with his said wife, to put into execution his said last will, and he did thereby also give to his said testamentary executors all power to sell his real estate and valuables on such conditions as they might judge proper, to reinvest the produce of these properties and valuables, and of all sums which might be due to him, to administer them, draw the revenues, interests or rents thereof and to invest them on real estate or elsewhere as might seem to them most advantageous for his estate; and whereas the said Louise Pothier and George Edward Desbarats, William Desbarats, Marie Jessie Anne Desbarats and Marie Louise Adèle Desbarats, have, by their petition represented that the said will was so executed at the city of Toronto, in Upper Canada, the domicile of the said testator being then and at the time of his decease in Lower Canada; that the said will is a holograph will, and as such is valid and effectual for all purposes within Lower Canada, but for want of witnesses, the same is inoperative in Upper Canada, to pass or affect the real estate of the testator situated in Upper Canada; that the said Louise Pothier is the widow and the other petitioners are the only children of the said George Desbarats, deceased, and that they are the only persons interested in any manner in the estate of the said testator under the said will or otherwise, and that they are desirous that the intention of the said testator should be fully and in all respects carried out, and that the said will should be declared to be valid and effectual to pass and affect real estate in Upper Canada, in the same manner as if it had in fact been duly executed before the necessary number of witnesses, and also that the said Louise Pothier and George Edward Desbarats should be empowered and authorized not only to sell all the real estate and property of the said testator as directed by the said will, but also that they and the survivor of them should be authorized and empowered to convey, assure and

and confirm such real estate so sold unto and to the use of the purchaser or purchasers thereof, his, her or their heirs, appointees and assigns, and to invest the proceeds as in the said will is directed ; but that by reason of the said Marie Jessie Anne and Marie Louise Adèle Desbarats, two of the said petitioners, being under the age of twenty-one years, to wit, of the ages of fifteen and thirteen years respectively, an Act of Parliament will be necessary to effectuate the intention aforesaid and the wishes of the said petitioners ; and that the said petitioners Louise Pothier and George Edward Desbarats have duly proved the said will in Lower Canada, and that probate thereof has been granted to them by the proper Court there, and that they have also been appointed tutrix and tutor to the said minor children ; and whereas the said petitioners have prayed for the enactments hereinafter contained which it is expedient to grant : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said will of the said George Desbarats, deceased, shall be and shall be held to have been, from the time of his decease, good, valid and effectual to all intents and purposes, both at law and in equity, in Upper Canada. Will made valid in U. C.

2. The said Louise Pothier and George Edward Desbarats, and the survivor of them, are hereby authorized and empowered to sell all the real estate of the said testator, at the time of his death, situated in Upper Canada, either together or in parcels, and either by public auction or private contract, and with power to leave any portion of the purchase monies on mortgage on the lands and tenements sold or any part thereof, and generally to sell, subject to such stipulations and in such manner in all respects as they or the survivor of them shall think fit, and for the purposes aforesaid or any of them, to execute and do all such acts, deeds, assurances and things as may be necessary or required to convey and assure the premises sold unto the purchaser or purchasers thereof, his, her or their heirs, appointees or assigns, the said Louise Pothier and George Edward Desbarats, investing and paying over the purchase money thereof, as by the said will is directed ; provided always, that the receipt or receipts in writing of the said Louise Pothier and George Edward Desbarats, or the survivor of them, for any purchase monies payable to them, her or him on any such sale or sales, shall be a sufficient and effectual discharge for the same or for so much thereof respectively as, in such receipt or receipts, shall be acknowledged to be received, and that the person or persons to whom the same shall be given, his, her or their heirs, executors administrators or assigns shall not afterwards be answerable or accountable for any loss, misapplication or non-application, or be in any wise obliged or concerned to see to the application of the money therein mentioned or acknowledged to be received. Powers of Sale to Louise Pothier and G. E. Desbarats.

Proviso : as to money received by them : their discharge to be sufficient.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXIX.

An Act to confirm the Will of the late Robert Jackson, of the Township of Scarborough.

[Assented to 15th August, 1866.]

Preamble.

Will of R.
Jackson, de-
fects in.

WHEREAS Robert Jackson, of the Township of Scarborough, in the County of York, Yeoman, departed this life on the twelfth day of March, one thousand eight hundred and sixty-four, having first made his Will, bearing date the eighteenth day of February, one thousand eight hundred and sixty ;

And whereas said Will not having been revoked, Letters Probate were granted thereof out of the Surrogate Court of the United Counties of York and Peel, on the twenty-ninth day of March, one thousand eight hundred and sixty-four ;

And whereas in consequence of the said Will having been executed in the presence of one witness only, it is inoperative to pass the real estate devised thereby, but the various parties interested therein, both as devisees under the said Will and as the heirs at law of the said Robert Jackson, have consented and agreed to confirm the same, but by reason of some of the said devisees being infants, such confirmation can only be made operative by Act of Parliament ;

Petition of parties interested.

And whereas the said persons so interested as aforesaid, who have agreed to and prayed for the confirmation of the said Will, are John Jackson, Henry Jackson, Delilah Jackson, Wilson Jackson, William Jackson, George Jackson, Isabella Jackson, Robert Jackson, Ellen Jackson, Thompson Jackson, Edward Jackson, James W. Jackson, Charles Mudford, Ann Mudford, Thomas G. Cooper, Mary Cooper, John Fawcett, and Elizabeth Fawcett ; and have petitioned that the said Will may be confirmed ;

And whereas it is expedient to carry out the said agreement made between the said parties, and to confirm the said Will of the said Robert Jackson : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The said Will confirmed and made operative.

1. The said Will of the said Robert Jackson shall be, and the same is hereby confirmed, and made as valid and effectual to all intents and purposes whatsoever, as if the same had been executed with all the formalities required by law in the execution of Wills to pass real estate in Upper Canada.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. CLXX.

An Act to declare and settle the construction of the Marriage Settlement of Harriett Margarette Gage, and confirming assurances made thereunder.

[Assented to 15th August, 1866.]

WHEREAS James Lorenzo Gage, of the Village of Wellington Square, in the County of Halton, Esquire, and Harriett Margarette Gage, formerly Harriett Margarette Mills, his wife, have by their petition represented as follows : That by an Indenture bearing date the fifth day of November, one thousand eight hundred and fifty-one, and made between the said Harriett Margarette Gage, then Harriett Margarette Mills, of the first part, the said James Lorenzo Gage, of the second part, and George Hamilton Mills, of the City of Hamilton, Esquire, of the third part, after reciting that the said Harriett Margarette Mills was then seized in fee of the lands and premises thereafter mentioned, and that a marriage was intended shortly to be solemnized between the said Harriett Margarette Mills and James Lorenzo Gage, she, the said Harriett Margarette Mills, did give, grant, bargain, sell and release unto the said George Hamilton Mills and his heirs, certain lands and hereditaments situate in the said County of Wentworth, to have and to hold the same unto the said George Hamilton Mills and his heirs to the use of the said Harriett Margarette Mills and her heirs until the said intended marriage should be solemnized, and from and after the solemnization thereof to the use of the said Harriett Margarette Mills and her assigns for and during the term of her natural life, for her own sole and separate use, benefit or will, in such a way as that she might freely of her own accord sell and dispose of the same or the use thereof to such person or persons as she, the said Harriett Margarette Mills by any writing under her hands, should at any time, notwithstanding her coverture, direct or appoint; and in default of such direction, appointment or sale, then in trust to pay the rents, issues and profits of the said premises unto the proper hands of the said Harriett Margarette Mills for and during her life, to and for the sole, separate and particular use and benefit, and at the sole and uncontrolled disposal of the said Harriett Margarette Mills, notwithstanding her said intended coverture, and without the same being subject to the debts or engagements of the said James Lorenzo Gage, and from and after the decease of the said Harriett Margarette Mills, then to the use of the child or children of the said Harriett Margarette Mills, by the said James Lorenzo Gage, in such proportions as the said Harriett Margarette Mills should appoint, and in default of such appointment, to the use of her children as tenants in common in tail, with cross remainder between them, and in default of such issue, to the use of such persons as the said Harriett Margarette Mills should appoint; and in default of such last mentioned appointment, to the use of the said Harriett Margarette Mills,

Preamble.

Marriage contract recited.

Mills, her heirs and assigns forever, and it was thereby declared that on default of issue by the said intended marriage, and in case the said Harriett Margarette Mills should not during her natural life dispose of the said premises, or any part thereof, by bargain and sale, will or codicil, or by any other means, then the whole of the said premises, and in case of disposal of any part by any of the ways and means aforesaid, then the residue of the said premises, to the said James Lorenzo Gage, his heirs and assigns forever; and whereas the said petitioners have also represented that the said marriage was, shortly after the execution of the said Indenture, duly solemnized between the said James Lorenzo Gage and Harriett Margarette Mills, and that it was the intention of all parties to the said Indenture that the said Harriett Margarette Mills should, during her life, have the power of appointing and disposing of the said lands and hereditaments, or any part thereof, for an estate in fee simple, either absolutely or by way of mortgage, or for any less estate; but doubts have arisen whether the said Indenture carries out the intention of the parties thereto; and the said petitioners have prayed for an Act to declare and settle the construction of the said Indenture conformably to such their intention; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How the said contract shall be construed.

1. The said indenture shall be construed and taken to have given and to give to the said Harriett Margarette Gage, power during her life, and notwithstanding her coverture, to appoint and convey all or any part of the lands and hereditaments comprised in the said Indenture, to any person or persons, for an estate in fee simple, either absolute or by way of mortgage or for any less estate.

Deeds, &c., heretofore made by Mrs. Gage made valid.

2. All Deeds of grant, bargain and sale and all other assurances, whether by way of absolute sale or of mortgage, heretofore made and executed by the said Harriett Margarette Gage, purporting to appoint, convey or assure an estate in fee simple, and whether expressed to be made in pursuance of such power, as aforesaid, or not so expressed, are hereby declared to have vested in the grantees or mortgagees therein named, an estate in fee simple, subject to such limitations, reservations or provisos as are contained in the instrument purporting to convey the same.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. CLXXI.

An Act to empower John Auld to dispose of certain Real and Personal Estate, the property of his minor children.

[Assented to 15th August, 1866.]

WHEREAS John Auld, of the City of Montreal, Esquire, hath by his petition, represented that the late Mary Ann Carr, in her lifetime of the City of Montreal, did, by her last Will and Testament, duly executed on the fourteenth day of January, one thousand eight hundred and fifty-three, and admitted to probate on the fourteenth day of March, one thousand eight hundred and fifty-three, bequeath all her real and personal property (with certain exceptions, and subject to a certain life interest, in the said Will mentioned) to the child or children issue of the marriage of her daughter Mary Ann McGregor with the said John Auld; and that the said Mary Ann Carr did, at the same time, appoint the said Mary Ann McGregor, wife of the said John Auld, her sole executrix, vesting the said property in her, and empowering her during her lifetime to manage the said property, in the interests and for the benefit of her minor children, issue of her marriage with John Auld, and to receive and enjoy the revenues and profits accruing therefrom; and the said John Auld hath further represented that the said Mary Ann McGregor, his wife, and executrix as aforesaid, departed this life on the fourteenth day of March, one thousand eight hundred and sixty-three, leaving eight minor children, issue of her marriage with him; that he was appointed Tutor to his minor children, in conformity with the laws of Lower Canada in that behalf; that a large portion of the real estate, now almost wholly unproductive, might, if power were granted to him to sell the same, be disposed of advantageously to his children, and the proceeds thereof profitably invested in their behalf; and has prayed that an Act may be passed empowering him to make such sale; and it is expedient to grant the prayer of his petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. John Auld, tutor duly appointed to the minor children issue of his marriage with Mary Ann McGregor, is hereby authorized and empowered, under the direction of a Judge of the Superior Court for Lower Canada, from time to time and as he may deem expedient, to sell, lease, or otherwise dispose of, in one or more lots, the property, real and personal, bequeathed to his said minor children by the late Mary Ann Carr, and, as tutor to his said children, to grant good and valid conveyances of the real estate so from time to time sold and disposed of.

John Auld authorized to sell estate of his minor children.

Investment of
the proceeds.

2. The said John Auld may, in his discretion, leave the money arising from the sale of the said property, or any part thereof, in the hands of the purchaser or purchasers thereof, secured by privileged hypothec of *bailleur de fonds*, or he may take and receive the said purchase or other moneys and, under the direction of the Superior Court for Lower Canada or a Judge thereof, invest the same in hypothecary or other securities, as he may consider most advantageous for the interests of his said minor children; and he may, under the like direction from time to time, alter and vary the nature of the securities in which the moneys so received by him may be invested,—and the annual issues, profits and increase thereof, or so much thereof as in his judgment may be necessary, the said John Auld may apply and expend in the maintenance and education of the said minor children.

Application of
interest, &c.

Accounts to
be rendered
under laws of
L. C.

3. The laws of Lower Canada, with respect to the duties and liabilities of tutors, shall be applicable to the powers conferred upon the said John Auld by this Act; and the said John Auld shall be held to account for his management and disposition of the said property, in virtue of this Act, in the same manner and subject to the same obligations as he is now bound to do, with respect to the powers as tutor heretofore conferred upon him by law.

In case of
death of J.
Auld.

4. In case of the death of the said John Auld, or his ceasing to be Tutor as aforesaid, all the powers and liabilities herein conferred and imposed on him shall devolve on and be exercised by his successor or other, the legal representative of the said minor children.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . C L X X I I .

An Act to confirm the settlement made by Charlotte Henderson, deceased, of an undivided moiety of Lands in Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

Recital of deeds
of settlement.

WHEREAS by two several Indentures, bearing date respectively the twelfth day of August, one thousand eight hundred and fifty-three, and respectively made between Charles William By, gentleman, since deceased, of the one part, and Joseph Edward Fisher, and James Manger Holmes, of the other part, certain lands and hereditaments, situate in the County of Sussex and elsewhere in England and in Bytown, otherwise Ottawa City, and elsewhere in Upper Canada, and particularly described in the same Indentures and respective Schedules thereto, were assured, subject to the life estate therein of Frances Ann By, since deceased, unto and to the use of the said

said Joseph Edward Fisher and James Manger Holmes, their executors, administrators and assigns for the term of one hundred years, from the date of the same Indentures, if the said Charles William By and Charlotte, his wife, since deceased, or either of them, should so long live, upon the trusts in the same Indenture mentioned, and subject to the same term and the trusts thereof, as to one undivided moiety or half part of the said lands and hereditaments, to the use of Maria Susannah Holmes, the wife of Henry Holmes, her heirs and assigns; and as to the other undivided moiety or half part thereof, to the use of the said Charlotte Henderson, the wife of Charles Cooper Henderson, the elder, her heirs and assigns; and in the same Indentures were contained (amongst other things) powers for the trustees thereof, to sell and exchange all or any of the said lands and hereditaments, and to invest the moneys received on account of any sales or exchanges, in other real estate to be settled to and upon the like uses and trusts, as that sold or exchanged, and also a power to appoint new Trustees of the same Indentures as occasion should require; and whereas by two several Indentures, bearing date respectively the first day of December, one thousand eight hundred and fifty-five, and respectively made between the said Charles William By and Charlotte, his wife, of the first part; the said Henry Holmes and Maria Susannah, his wife, and the said Charles Cooper Henderson and Charlotte, his wife, of the second part; and of the said Joseph Edward Fisher and James Manger Holmes, of the third part; Henry Eden Cockayne, of the fourth part, and William Thomas Wade, of the fifth part, the said Henry Eden Cockayne was duly appointed a Trustee of the said two Indentures, respectively dated the twelfth day of August, one thousand eight hundred and fifty-three, in the place of the said Joseph Edward Fisher; and whereas by an Indenture dated the thirty-first day of October, one thousand eight hundred and fifty-six, and made between the said Charles Cooper Henderson and Charlotte, his wife, of the one part, and the said James Manger Holmes and Henry Eden Cockayne, of the other part, after reciting (amongst other things) as hereinbefore recited, it was witnessed that for the consideration therein mentioned, she, the said Charlotte Henderson, with the concurrence of the said Charles Cooper Henderson (testified as therein mentioned), did thereby grant, and the said Charles Cooper Henderson did thereby grant and confirm unto the said James Manger Holmes and Henry Eden Cockayne and their heirs, all that the undivided part or share to which the said Charlotte Henderson was entitled as aforesaid, of and in the said lands, and hereditaments particularly described in the said two several Indentures, dated respectively the twelfth day of August, one thousand eight hundred and fifty-three, and the Schedules thereto, and by the same Indentures, assured or expressed or intended so to be, and of, and in their and every of their appurtenances, to hold the same subject as to the entirety of the same hereditaments in England, to the life interest therein of the said Frances

Ann By, and subject as to the entirety of all the said hereditaments to the said term of one hundred years, and the trusts thereof, and subject as to the entirety of the said hereditaments in Canada, to a charge made or agreed to be made by a certain deed of the thirty-first day of May, one thousand eight hundred and fifty-six, for securing the repayment to the said Charles Cooper Henderson of the sum of two thousand pounds sterling, being the amount advanced by him for the purchase of the life estate of the said Frances Ann By, as thereinbefore mentioned, and which sum has since been repaid accordingly unto the said James Manger Holmes and Henry Eden Cockayne and their heirs, to such uses, upon and for such trusts, intents and purposes, and with, under and subject to such powers, provisos, and declarations as the said Charlotte Henderson should, notwithstanding any coverture, in manner therein mentioned, appoint, and in default of, and subject to such appointment, to the use of the said Charlotte Henderson and her assigns for her life without impeachment of waste; and after the determination of that estate, if the said Charles Cooper Henderson should be then living, to the use of the said Charles Cooper Henderson and his assigns, during his life without impeachment of waste; and after the decease of the survivor of them, the said Charles Cooper Henderson and Charlotte, his wife, or the sooner determination of the estates thereinbefore limited to them, to the use of all and every the child and children of the said Charlotte Henderson, to be divided between them, if more than one, in equal shares as tenants in common and of the several and respective heirs of all and every such child and children; and whereas the said recited Indenture of Settlement of the thirty-first day of October, one thousand eight hundred and fifty-six, was duly executed and acknowledged by the said Charlotte Henderson as required by the law of England, for the purpose of passing the real estate of a married woman situate there, and her said undivided moiety of the said lands and hereditaments in England, was accordingly effectually settled thereby, but the same Indenture was not executed and acknowledged by the said Charlotte Henderson as required by the law of Upper Canada for the purpose of passing the real estate of a married woman situate there, and her said undivided moiety of the said lands and hereditaments in Canada was accordingly not bound thereby; and whereas, the said Charlotte Henderson died on or about the first day of May, one thousand eight hundred and fifty-eight, without having ever exercised or attempted to exercise the said power of appointment so reserved or limited or intended to be reserved or limited to her by the said recited Indenture of Settlement of the thirty-first day of October, one thousand eight hundred and fifty-six as aforesaid; and whereas the said Charlotte Henderson had issue nine children and no more, namely: Charles Cooper Henderson, the younger, John Keate Shepard Henderson, Charlotte Henderson, the younger, Kennett Gregg Henderson, Mary Henderson, Roderick William Henderson, George By Henderson and Henry Cooper Henderson,

Defect in execution according to laws of U. C.

Henderson, all of whom have attained the age of twenty-one years, (except the said George By Henderson and Henry Cooper Henderson, who are infants of the respective ages of nineteen years and seventeen years or thereabouts), and Robert Henderson who died an infant ; and whereas the said Frances Ann By died on or about the second day of November, one thousand eight hundred and sixty-two, and the said Charles William By died on or about the sixteenth day of October, one thousand eight hundred and sixty-four, and the said Charlotte By died on or about the thirtieth day of October, one thousand eight hundred and sixty-four ; and whereas the said Charles Cooper Henderson, the elder, Charles Cooper Henderson, the younger, John Keate Shepard Henderson, Charlotte Henderson, the younger, Kennett Gregg Henderson, Mary Henderson and Roderick William Henderson and the said George By Henderson and Henry Cooper Henderson, by the said Charles Cooper Henderson, their father and next friend, and the said Henry Holmes and Maria Susannah, his wife, have, by their petition, represented that it is very desirable and greatly to the advantage of the said infants that the said recited Indenture of Settlement of the thirty-first day of October, one thousand eight hundred and fifty-six, should be confirmed, but that such confirmation cannot be effectually obtained without the authority of Parliament ; and whereas the said Petitioners have prayed for the enactments hereinafter contained, which it is expedient to grant : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said recited Indenture of Settlement of the thirty-first day of October, one thousand eight hundred and fifty-six, shall be and the same is hereby confirmed and made as valid and effectual, to all intents and purposes whatsoever, as if the same had been executed with all the formalities required by law to enable married women to pass real estate in Upper Canada.

Settlement of
31st Oct., 1856,
confirmed and
made valid.

2. This Act shall be deemed a Public Act.

Public Act.

C A P. C L X X I I I .

An Act to authorize the Law Society of Upper Canada to admit Hewitt Bernard as a member of the Society and Barrister at Law.

[Assented to 15th August, 1866.]

WHEREAS Hewitt Bernard has by his petition represented that he was in the year one thousand eight hundred and forty-six, admitted to practise as an Attorney and Solicitor in the Island of Jamaica, one of the Islands of the West Indies, that he came to Upper Canada in the year one thousand

Preamble.

thousand eight hundred and fifty-one, and was admitted to practise as a Solicitor and Attorney in the Courts in Upper Canada, in the year one thousand eight hundred and fifty-six, and that he has been for many years past Chief Clerk of the Crown Law Department of Upper Canada, and in that capacity has had the charge, conduct and management of the Crown Law business of Upper Canada, under the direct supervision of the Law Officers of the Crown, and that he is desirous of being called to the Bar of Upper Canada, and for the reasons aforesaid has prayed that an Act may be passed to enable the Law Society of Upper Canada to place his name on the roll of Members, and to call him to the Bar of Upper Canada; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Law Society of U. C. may admit H. Bernard as member, and may call him to Bar of U. C.

1. It shall and may be lawful for the Law Society of Upper Canada, in their discretion and upon payment of the usual fees therefor, at any time to place the name of the said Hewitt Bernard upon the roll of members of the said Society, and to call and admit the said Hewitt Bernard to the degree of a Barrister, and to the practice of the law as such, without his compliance with any requirements or provisions of law or of the rules and regulations of the said Society in that behalf, any law, custom or usage to the contrary notwithstanding.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. C L X X I V.

An Act to authorize the admission of William Lynn Smart as a Barrister in Upper Canada.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS William Lynn Smart has, by his petition, represented that he was in Easter Term, in the year one thousand eight hundred and forty-eight, admitted as an Attorney at Law and Solicitor in Chancery in the English Courts, and in the year one thousand eight hundred and fifty-eight was admitted as an Attorney at Law and Solicitor in Chancery in Upper Canada, and has practised for several years in England and in this country, and that he has been duly admitted a Student-at-Law by the Law Society of Upper Canada, and has kept the four terms required by the rules of the Law Society, and is desirous of being called to the Bar upon passing the usual examination without being required to wait until five years from his admission as a student have expired; and whereas, inasmuch as the said William Lynn Smart has in all other respects complied with the regulations of the Law Society, it is expedient to allow him to be called to the Bar without the usual

usual period of probation as a student, after his having been an Attorney and Solicitor for seventeen years: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the Law Society of Upper Canada and the Benchers thereof, in their discretion, to admit the said William Lynn Smart to the degree of Barrister at Law, and the practice of the law as such, as soon as he has passed the usual examination, any law, usage or regulation to the contrary notwithstanding.

Law Society of U. C. may admit W. L. Smart as Barrister.

2. This Act shall be deemed a Public Act.

Public Act.

C A P. C L X X V.

An Act to enable Joseph Robinson Bawden to be examined by the Law Society of Upper Canada, for admission as an Attorney and Solicitor.

[Assented to 15th August, 1866.]

WHEREAS Joseph Robinson Bawden, of the City of Kingston, gentleman, by his petition to the Legislature, hath represented that by articles of clerkship, dated the first day of January, one thousand eight hundred and fifty-six, he became the clerk of the late Samuel Rowlands, in his lifetime an Attorney at Law and a Solicitor in Chancery in Upper Canada, and did serve the said Samuel Rowlands, deceased, during two years and two months, but was prevented from continuing such service by ill health; and that the said Samuel Rowlands died before the said Joseph Robinson Bawden was enabled to resume his service under the said articles, and that he the said Joseph Robinson Bawden hath since the first day of November, one thousand eight hundred and sixty-four, served as an articulated clerk with the late Ewan MacEwan, in his lifetime an Attorney at Law and a Solicitor in Chancery in Upper Canada, and since his death, with the surviving partner of the said late Ewan MacEwan; and whereas the said term of five years service would, but for his ill health, have been long since completed by the said Joseph Robinson Bawden; and whereas he hath prayed for relief in the premises, which relief it is expedient to grant him: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. It shall be lawful for the Law Society of Upper Canada, at any time after the passing of this Act, to examine the said Joseph Robinson Bawden, touching his fitness as an Attorney at Law and Solicitor in Chancery, and upon being satisfied thereof, to admit him to practise as aforesaid.

Law Society may examine J. R. Bawden and admit him to practise.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXXVI.

An Act to naturalize John Rogers.

[Assented to 15th August, 1866.]

Preamble.

WHEREAS John Rogers, of the City of Quebec, Master Mariner, has by his petition represented that he has resided since the year one thousand eight hundred and sixty-one within the British Dominions, and is now a permanent resident of the city of Quebec, and that he intends to continue to reside permanently in Canada, and is desirous of becoming a subject of Her Most Gracious Majesty the Queen, and has prayed that he may be naturalized as a subject of Her Most Gracious Majesty, and declared and made capable of inheriting and enjoying the civil and political rights of a British subject, and whereas it seems meet and expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

John Rogers
naturalized.

1. The said John Rogers shall be deemed, adjudged and taken to have obtained all the rights and capacities of a natural born British subject within this Province, and to have, hold, possess and enjoy the same from and after the passing of this Act; provided always that the said John Rogers shall, within six months after the passing of this Act, take and subscribe before the Clerk of the Peace for the District of Quebec, the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and such oath so taken and subscribed shall be kept by the said Clerk of the Peace among the records of his office.

Proviso; oath
of Allegiance
to be taken.

Public Act.

2. This Act shall be deemed a Public Act.

(RESERVED ACT.)

CAP. CLXXVII.

An Act to postpone for a limited time the issuing of writs for the next election of members of the Legislative Council.

Preamble.

Confederation
Resolutions re-
cited.

WHEREAS, on the twentieth day of February, in the year of Our Lord, one thousand eight hundred and sixty-five, the Legislative Council of this Province voted an humble address to Her Majesty, praying that Her Majesty might be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward's Island in one government,

with

with provisions based on certain resolutions which were adopted at a conference of delegates from the said colonies held at the City of Quebec on the tenth day of October, one thousand eight hundred and sixty-four, and set forth in the said address; and on the fourteenth day of March in the same year the Legislative Assembly of this Province voted an humble address to Her Majesty, containing the same prayer; and whereas the said addresses were transmitted by His Excellency the Governor to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the throne, and the said Principal Secretary of State for the Colonies, in a despatch to His Excellency, dated the eighth day of April, one thousand eight hundred and sixty-five, and communicated by His Excellency to both Houses of the Provincial Legislature during the now last session, informed His Excellency that Her Majesty had been pleased to receive the said addresses very graciously, and that Her Majesty's Government had seen with great satisfaction that both Houses of the Canadian Legislature had adopted addresses to the crown expressive of their desire for the accomplishment of a measure calculated materially to add to the strength and promote the welfare of the Provinces of British North America; and whereas there is therefore reason to believe that the measure aforesaid for the union of the Provinces of British North America will be submitted to, and enacted by the Imperial Parliament at an early date, and in view of the said Union and of the changes which will be thereby effected, it is inexpedient that an election of Legislative Councillors for the electoral divisions of the Province hereinafter mentioned should be held during the present year: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For and notwithstanding any provision in the first chapter of the Consolidated Statutes of Canada, requiring the Governor to issue writs on or before the first day of September of the present year, one thousand eight hundred and sixty-six, for the election of twelve Legislative Councillors to represent the Electoral Divisions of Gulf, Lasalle, Saurel, Repentigny, Montarville, Alma, Tecumseth, Gore, Erie, York, Cataraque and St. Lawrence, and to make the same returnable on the first Tuesday in November in the said year, such writs shall not be issued before the sixteenth day of July, in the year 1867, and the members of the Legislative Council representing the said Electoral Divisions therein at the time of the passing of this Act, shall continue to be the members representing the same in the Legislative Council until the day next preceding the return day of the writs (if any) to be issued on the day last aforesaid for the election of their successors.

No writs for elections of Legislative Councillors to issue in Sept., 1866.

Present Members to remain until, &c.

When the writs shall issue if not otherwise provided by Imp. Act.

2. If it be not in the meantime otherwise provided by some Act of the Imperial or Provincial Legislature, the writs of election for the Electoral Divisions mentioned in the next preceding section, shall be issued on the day therein mentioned, and shall be returnable on the seventeenth day of September, in the same year; but the writs for the then next periodical election of Councillors for the said Electoral Divisions shall issue and be returnable at the periods when they would have issued and been returnable without this Act.

Provision as to accidental vacancies.

3. Any accidental vacancy of the seat in the Legislative Council, for any of the electoral divisions named in this Act, which may happen before the day to which the issue of the writs for the next periodical vacancy is postponed by this Act, shall be held and deemed to be an accidental vacancy happening within three months next before the regular periodical vacancy of such seat, within the meaning of the twenty-second section of the said Act, the provisions of which shall apply to such accidental vacancies.

OTTAWA :—Printed by MALCOLM CAMERON,
Law Printer to the Queen's Most Excellent Majesty.

1866.—29-30 V I C T O R I Æ .

FIFTH SESSION, EIGHTH PARLIAMENT.

TABLE OF CONTENTS.

Caps.	PAGES.
1. An Act to authorize the apprehension and detention until the eighth day of June, one thousand eight hundred and sixty-seven, of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government, - - - - -	3
2. An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty, - - - - -	5
3. An Act to amend the Act of the present Session, intituled : " An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty," - - - - -	6
4. An Act to amend the ninety-eighth chapter of the Consolidated Statutes for Upper Canada, . - - - -	7
5. An Act to prevent the unlawful training of persons to the use of arms, and to practice Military evolutions or exercises ; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace, - - - - -	8
6. An Act to amend the Acts respecting Duties of Customs, and the Tariff of Duties payable under them, - - - - -	11
7. An Act to amend the Acts respecting Duties of Excise, and to alter the Duty thereby imposed on Spirits, - - - - -	28
8. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending on the thirtieth of June, one thousand eight hundred and sixty-seven, and for other purposes connected with the Public Service, - - - - -	35
9. An Act for indemnifying the Members of the Executive Government, and others, for the unavoidable departure from the provisions of the Audit Act, occasioned by the necessity of maintaining a large Militia Force on active duty on the Frontier, in the years 1865 and 1866, - - - - -	49
10. An Act to provide for the issue of Provincial Notes, - - - - -	51
11. An Act to amend the Post Office Act, - - - - -	55

Caps.	PAGES.
12. An Act to amend "An Act respecting the Volunteer Militia Force," - - - - -	57
13. An Act to amend Chapter Six of the Consolidated Statutes of Canada, intituled: "An Act respecting Elections of Members of the Legislature," - - - - -	61
14. An Act to continue for a limited time the several Acts therein mentioned, - - - - -	66
15. An Act to make further provision in relation to the Temporalities of the United Church of England and Ireland, in this Province, - - - - -	68
16. An Act to provide for the sale of the Rectory Lands in this Province, - - - - -	69
17. An Act to amend the Act of the present Session, intituled: "An Act to provide for the Sale of the Rectory Lands in this Province," - - - - -	71
18. An Act to amend chapter thirty-two of the Consolidated Statutes of Canada respecting the Bureau of Agriculture and Agricultural Societies, - - - - -	72
19. An Act to amend chapter thirty-four of the Consolidated Statutes of Canada relating to Patents of Invention, - - - - -	<i>Ibid.</i>
20. An Act to confirm the Title to Lands held in trust for certain of the Indians resident in this Province, - - - - -	73
21. An Act to amend the Act twenty-ninth Victoria, chapter seven, respecting works connected with the defence of the Province, - - - - -	74
22. An Act to regulate the means of egress from Public Buildings, - - - - -	75
23. An Act to amend the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, respecting the granting of Charters of incorporation to Manufacturing, Mining and other Companies, - - - - -	77
24. An Act to amend the law respecting the Inspection of Leather and Raw Hides, - - - - -	<i>Ibid.</i>
25. An Act respecting the Code of Civil Procedure of Lower Canada, - - - - -	78
26. An Act to facilitate the rendering of judgments in the Court of Queen's Bench and Superior Court for Lower Canada, - - - - -	100
27. An Act respecting the Bar of Lower Canada, - - - - -	102
28. An Act to provide a fund towards defraying expenses incurred for matters necessary to the efficiency of the Registry Laws of Lower Canada, - - - - -	120
29. An Act to amend the Commissioners' Court Act for Lower Canada, - - - - -	122
30. An Act to explain certain provisions of the Seigniorial Act, - - - - -	123
31. An Act to amend chapter fifteen of the Consolidated Statutes for Lower Canada, respecting public education, - - - - -	124

TABLE OF CONTENTS.

iii

Caps.	PAGES.
32. An Act to amend the Municipal Act of Lower Canada, -	1
33. An Act to amend chapter twenty-six of the Consolidated Statutes for Lower Canada, intituled : " An Act respecting abuses prejudicial to Agriculture," - - - -	130
34. An Act to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada, " respecting Masters and Servants in the country parts," - - - -	131
35. An Act to amend section nine of chapter six of the Consolidated Statutes for Lower Canada, respecting tavern-keepers and the sale of intoxicating liquors, - - - -	<i>Ibid.</i>
36. An Act to amend the Act concerning the erection and division of Parishes, and the building and repairing of Churches, Parsonage-houses and Church-yards and Fabrique meetings, Chapter Eighteen of the Consolidated Statutes for Lower Canada, - - - -	132
37. An Act to amend chapter seventy of the Consolidated Statutes for Lower Canada, intituled : " An Act respecting Joint Stock Companies for the construction of roads and certain other works," - - - -	133
38. An Act to amend the Act respecting the Court of Impeachment in Upper Canada, - - - -	<i>Ibid.</i>
39. An Act respecting the hearing of causes in the Court of Chancery for Upper Canada, - - - -	134
40. An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada, - -	135
41. An Act to amend the Law of Crown and Criminal Procedure and Evidence at Trial in Upper Canada, - - -	137
42. An Act to amend the Common Law Procedure Act of Upper Canada, - - - -	138
43. An Act to amend the Law of Upper Canada relating to Crown Debtors, - - - -	139
44. An Act respecting persons in custody charged with High Treason or Felony, - - - -	140
45. An Act for more effectually securing the Liberty of the Subject, -	141
46. An Act to amend the Law in respect of View by Jurors in Upper Canada, - - - -	145
47. An Act to amend the Law respecting the appointment of Recorders in Upper Canada, - - - -	146
48. An Act to amend chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, intituled : " An Act respecting the Administration of Justice in the unorganized tracts," - - - -	<i>Ibid.</i>
49. An Act to amend the Act respecting Attorneys at Law, -	147
50. An Act to amend the Law respecting appeals in cases of Summary Convictions, and Returns thereof by Justices of the Peace in Upper Canada, - - - -	149

Caps.	PAGES.
51. An Act respecting the Municipal Institutions of Upper Canada,	150
52. An Act to amend the Act of the present Session, intituled : "An Act respecting the Municipal Institutions of Upper Canada," - - - - -	288
53. An Act to amend and consolidate the several Acts respecting the Assessment of Property in Upper Canada, - -	292
54. An Act to amend "The Medical Act for Upper Canada," -	337
55. An Act to amend and consolidate the Acts to impose a tax on Dogs, and to provide for the better protection of sheep in Upper Canada, - - - - -	339
56. An Act to amend the provisions of several Acts relating to the City of Montreal, and for other purposes, - -	342
57. An Act to amend the Act to amend and consolidate the provi- sions contained in the Acts and Ordinances relating to the incorporation of, and the supply of water to, the City of Quebec, - - - - -	347
58. An Act to extend the powers of the Trinity House of Quebec, -	373
59. An Act to amend the Act incorporating the City of Three Rivers,	374
60. An Act to incorporate the Town of St. Ours, - -	376
61. An Act to erect the Parish of St. Bonaventure, in the County of Drummond, into a separate Municipality, - - -	412
62. An Act to erect the Township of Wickham into two separate Municipalities, - - - - -	413
63. An Act to provide for ascertaining what persons have rights in the Commons of Berthier and Ile du Pads, - - -	414
64. An Act to erect a new Municipality in the County of Beauhar- nois, under the name of St. Etienne de Beauharnois, -	419
65. An Act to divide the Municipality of Gaspé Bay South and York, in the County of Gaspé, into two separate Municipali- ties, - - - - -	421
66. An Act to attach a part of the Township of Aylmer to the Parish of St. Vital de Lambton, in the County of Beauce, - -	423
67. An Act to establish the Concession line between ranges four and five of the Township of Buckingham, from lot one to the River Du Lievre, - - - - -	<i>Ibid.</i>
68. An Act to attach a part of the Township of Broughton to the Parish of St. Frederic, in the County of Beauce, - -	424
69. An Act to amend chapter twenty-six of the Consolidated Statutes for Lower Canada, in so far as it relates to certain water- courses in the district of Iberville, - - - - -	425
70. An Act to amend the Act twenty-fifth Victoria, Chapter thirty, to enable the Rate-payers of the County of Lincoln to select a more convenient place for the County Town, - -	426
71. An Act to complete the separation of the County of Peel from the County of York, - - - - -	427

TABLE OF CONTENTS.

v.

Caps.	PAGES.
72. An Act to legalize a certain By-law and certain Debentures of the United Counties of Huron and Bruce, - - -	428.
73. An Act to repeal the Act to legalise certain assessments in the City of Toronto, and to enable the said City to recover the taxes rated and charged, - - -	429.
74. An Act to amend the City of Hamilton Debentures Act, 1864, by giving to the City additional powers in selling lands for arrears of taxes, and for more clearly defining the rights and liabilities of purchasers of land sold under that Act, and for other purposes, - - -	<i>Ibid.</i>
75. An Act to amend the Act twenty-seventh and twenty-eighth Victoria, chapter seventy-one, intituled : " An Act to incorporate the Board of Trade of the City of Hamilton," -	431
76. An Act to incorporate the Board of Trade of the City of London, -	432.
77. An Act to authorize the Town of Stratford to issue Debentures for redeeming their outstanding Debentures, - - -	439.
78. An Act to authorize the Corporation of the Township of St. Vincent, in the County of Grey, to construct a harbour at the mouth of Bighead River, in the said Township, to impose and collect harbour dues, and for other purposes, - -	441
79. An Act to enable the Municipality of the Town of Belleville to purchase a site for a public Cemetery, and to exempt the Roman Catholic rate-payers of the said Municipality from taxation on account of the same, - - -	444
80. An Act to incorporate the Town of Bothwell and to define the limits thereof, - - -	446.
81. An Act to incorporate the Village of New Edinburgh, in the County of Carleton, - - -	450
82. An Act to divide the Township of Wawanosh into two separate Municipalities, - - -	452
83. An Act to extend the provisions of the Act Twenty-fifth Victoria, chapter forty, intituled : " An Act to establish and confirm certain roads in the Township of Reach," - - -	453
84. An Act for the improvement of the Napanee River, - -	454
85. An Act to adjust the boundary lines, and to settle the titles in certain ranges of the Township of Grenville, - -	457
86. An Act further to amend the Charter of the Quebec Bank, -	458
87. An Act further to amend the Charter of the Bank of Upper Canada, - - -	<i>Ibid.</i>
88. An Act to amend the Charter of the Bank of Canada, and to change the name thereof to that of the Canadian Bank of Commerce, - - -	459
89. An Act to amend the Act incorporating the Bank of Northumberland, - - -	461
90. An Act to incorporate the Bank of London, - - -	462.

Caps.	PAGES.
91. An Act to incorporate the Bank of Simcoe, - - -	476
92. An Act to legalize and confirm an Agreement made between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company, - -	492
93. The Buffalo and Lake Huron Railway Company's Capitalization Arrears Act, 1866, - - -	498
94. An Act to amend the Acts incorporating the Canada Central Railway Company, - - -	500
95. An Act to extend the period for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company, - - -	<i>Ibid.</i>
96. An Act to amend the Act incorporating the Massawippi Valley Railway Company, - - -	501
97. An Act to revive the Act twenty-sixth Victoria, chapter sixteen, and extend the time for the completion of the Hamilton and Port Dover Railway, - - -	<i>Ibid.</i>
98. An Act to authorize the sale of the Peterborough and Chemong Lake Railway, and for other purposes, - - -	502
99. An Act to amend and extend the provisions of the Act incorporating the Port Hope, Lindsay and Beaverton Railway Company, and of the Acts amending the same, - -	504
100. An Act to incorporate the South Eastern Counties Junction Railway Company, - - -	507
101. An Act to incorporate the Waterloo, Magog and Stanstead Railway Company, - - -	514
102. An Act to incorporate the Belleville and Marmora Railway Company, - - -	520
103. An Act to authorize the incorporation of the Cobourg, Peterborough and Marmora Railway and Mining Company, and for other purposes, - - -	527
104. An Act to incorporate the Bothwell Tram Road and Bridge Company, - - -	529
105. An Act to authorize the construction of a Tramway from the Village of Orangeville, in the County of Wellington, to some point on the Grand Trunk Railway, West of Toronto, -	535
106. An Act to incorporate the "Ottawa City Passenger Railway Company," - - -	539
107. An Act to further amend the Act to incorporate the International Bridge Company, - - -	542
108. An Act to authorize William John Bickell to construct a Bridge over the River St. Charles, - - -	543
109. An Act to incorporate the <i>Société de Passage du Pont Neuf de St. Hyacinthe</i> , - - -	550
110. An Act to incorporate the Steel, Iron and Railway Works Company, (Limited), - - -	553

TABLE OF CONTENTS.

vii

Caps.	PAGES.
111. An Act to incorporate The Canadian Rubber Company of Montreal, or La Compagnie Canadienne de Caoutchouc de Montréal, - - - - -	569
112. An Act to amend the Act passed in the twenty-sixth year of Her Majesty's reign, chaptered fifty-nine, intituled: "An Act to incorporate the St. Lawrence Tow-Boat Company,"	571
113. An Act to incorporate certain persons under the name of "The St. Lawrence Navigation Company," - - -	572
114. An Act to incorporate the Fenelon Falls, Minden, Haliburton and Northern Lakes Steam Navigation Company, - , -	578
115. An Act to incorporate the Pierreville Steam Mills Company,	583
116. An Act to incorporate the Roxton Mining Company, - -	586
117. An Act to incorporate The Dresden Great Western Oil Company, - - - - -	588
118. An Act to authorize the New York and Canada Oil Company to hold and convey certain lands, - - - -	590
119. An Act to authorize the Wyoming Petroleum Company to hold and convey certain lands, - - - -	591
120. An Act to authorize the Hartford Oil Company to hold and convey certain lands, - - - -	592
121. An Act for the incorporation of the Canada Vine Growers' Association, - - - - -	593
122. An Act to incorporate the Long Point Company, - -	598
123. An Act to incorporate the "Globe Printing Company", -	601
124. An Act specially to incorporate the Rossin House Hotel Company, - - - - -	608
125. An Act to amend the Acts relating to the "Canada Landed Credit Company," - - - - -	611
126. An Act to enable the Canadian Loan and Investment Company incorporated under the Imperial Companies Act of 1862 (twenty-five and twenty-six Victoria, chapter eighty-nine), to sell and dispose of certain lands, tenements and mortgage securities, held by them in Upper Canada, - - -	<i>Ibid.</i>
127. An Act to amend the Charter of the Quebec Fire Assurance Company, - - - - -	613
128. An Act to amend the Act incorporating the Quebec Marine Insurance Company, - - - -	614
129. An Act to incorporate "The Union Insurance Company of Canada," - - - - -	615
130. An Act to extend and define the powers of the Savings Bank known under the name of <i>La Caisse d'Economie de Notre-Dame de Québec</i> , - - - - -	622
131. An Act to incorporate the Society called <i>La Caisse d'Epargnes</i>	

Caps.	PAGES.
<i>de la Section St. Joseph de la Société de Tempérance de Montréal,</i> - - - - -	632
132. An Act to authorize the amalgamation of the Western Counties Permanent Building and Savings Society, with the Huron and Erie Savings and Loan Society, - - -	634
133. An Act to amend the Acts respecting the College of Regiopolis, and to erect the same into an University, - - -	636
134. An Act to incorporate the College of Saint Jerome, in the Town of Berlin, - - - - -	640
135. An Act to amend the Acts incorporating "The College of Ottawa," and to grant certain privileges to the said College, - - -	642
136. An Act to amend the Act incorporating Belleville Seminary, and to confer on the same University powers, in so far as regards Degrees in Arts, - - - - -	645
137. An Act to incorporate the Royal College of Physicians and Surgeons of Kingston, - - - - -	648
138. An Act to amend the Act incorporating the Mercantile Library Association of Montreal, - - - - -	650
139. An Act to amend the Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa, - - - - -	651
140. An Act to incorporate the Ottawa Natural History Society, - - -	652
141. An Act to amend the Charter of the British and Canadian School Society of Montreal, - - - - -	654
142. An Act to incorporate the Ursuline Academy of Chatham, - - -	655
143. An Act to incorporate "The Montreal Literary Club," - - -	657
144. An Act to incorporate the "Institut des Artisans Canadiens de Montréal," - - - - -	659
145. An Act to incorporate "The Montreal Club," - - -	661
146. An Act to incorporate the St. Patrick's Hall Association of Montreal, - - - - -	663
147. An Act to incorporate the St. Patrick's Asylum of Ottawa, - - -	667
148. An Act to remove doubts as to the legality of a Canon of the Synod of the Diocese of Quebec, respecting the Parish and Chapelries of Quebec, - - - - -	670
149. An Act to incorporate the Ecclesiastical Society of St. John, in the Roman Catholic Diocese of Kingston, - - -	673
150. An Act to amend the Act to incorporate the Curé of the Parish of Notre-Dame de Québec, - - - - -	674
151. An Act to vest certain lands in the Rector and Church-wardens of St. James' Church, Toronto, - - - - -	675
152. An Act to enable the Trustees of St. Paul's Church, Montreal, to sell certain Real Estate, - - - - -	678
153. An Act to place the Wesleyan Methodist Church and property situated on the south side of Queen Street, in the City of	

TABLE OF CONTENTS.

ix

Caps.	PAGES.
Toronto, under the directions of the " Model Deed " of the Wesleyan Methodist Church, in connection with the English Conference for the better management thereof, and to vest the same in certain Trustees under said Deed, - -	679
154. An Act to authorize the Trustees of the Presbyterian Congregation of the Town of Woodstock, in connection with the Church of Scotland, to sell certain lots in the said Town, held by them in trust for the said Congregation, - -	681
155. An Act to vest the Protestant Burial Ground at Hudson in the Incumbent and Church-wardens of St. James' Church, Vaudreuil, - - - - -	683
156. An Act to incorporate the Crystal Lake Cemetery Company, - - - - -	684
157. An Act to enable Philip Pearson Harris to obtain a Patent for a Machine for refining and deodorizing Crude Petroleum Oil, - - - - -	685
158. An Act to authorize the issuing of Letters Patent of Invention to Arthur Rankin, for a new and hitherto unknown description of fuel, - - - - -	686
159. An Act to permit the issuing of Letters Patent for a certain new and useful invention to Henry John Boswell, - -	687
160. An Act to enable Pierre Eymard Jay and the Honorable Louis Antoine Dessaulles to take out, conjointly, Patents of Invention for different machines and inventions in this Act mentioned, - - - - -	688
161. An Act to enable the Honorable Philip H. Moore to obtain a Patent for the invention of a new method of manufacturing peat into coal by process of steam, - - - - -	691
162. An Act to enable Casimir Stanislaus Gzowski and the Honorable David Lewis Macpherson to obtain Letters Patent for the invention of certain improvements in treating certain ores and alloys and in obtaining metals and other products therefrom, - - - - -	692
163. An Act to authorize the issue to Messrs. J. D. Whelpley and J. J. Storer, of Letters Patent for a new and improved system of treating Metallic Ores, - - - - -	693
164. An Act to enable Hugh Burgess to obtain a Patent for certain new and useful improvements, - - - - -	695
165. An Act to enable compensation to be made to the heirs of the late Mrs. Elizabeth McKay for the erroneous issue by the Crown of Letters Patent for lands to which she was entitled, - - - - -	696
166. An Act to authorize Margaret Besserer to sell a block of land in the City of Ottawa for the benefit of her son, the devisee, a Minor, - - - - -	697
167. An Act to authorize the sale of certain lands belonging to the estate of the late Honorable Peter Adamson, - -	698

Caps.	PAGES.
168. An Act to confirm and make valid the Will of the late George Desbarats in Upper Canada, - - - - -	700
169. An Act to confirm the Will of the late Robert Jackson, of the Township of Scarborough, - - - - -	703
170. An Act to declare and settle the construction of the Marriage Settlement of Harriet Margarette Gage, and confirming assurances made thereunder, - - - - -	703
171. An Act to empower John Auld to dispose of certain Real and Personal Estate, the property of his minor children, -	705
172. An Act to confirm the settlement made by Charlotte Henderson, deceased, of an undivided moiety of lands in Upper Canada, -	706
173. An Act to authorize the Law Society of Upper Canada, to admit Hewitt Bernard, as a member of the Society and Barrister at Law, - - - - -	709
174. An Act to authorize the admission of William Lynn Smart as a Barrister in Upper Canada, - - - - -	710
175. An Act to enable Joseph Robinson Bawden to be examined by the Law Society of Upper Canada, for admission as an Attorney and Solicitor, - - - - -	711
176. An Act to naturalize John Rogers, - - - - -	712
177. An Act to postpone for a limited time the issuing of writs for the next election of members of the Legislative Council, -	<i>Ibid.</i>

INDEX

TO

ACTS OF CANADA.

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**Fifth Session, Eighth Parliament, 29-30 Victoria.**  
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	PAGES.
ACTS, temporary, continued, viz :	66
Trinity House, Montreal, (Public Health), 10, 11 V. c. 1.	
Common of Laprairie, L. C., 2 Geo. 4, c. 8.	
of La Baie du Febvre, L. C., 2 Geo. 4, c. 10,—	
4 Geo. 4, c. 26.	
of Grosbois, L. C., 9 Geo. 4, c. 32.	
Bankrupt, reliefs of (in certain cases only), 7 V. c. 10,—9	
V. c. 30,—12 V. c. 18—13, 14 V. c. 20.	
Hastings, Registration of Titles, 9 V. c. 12—10, 11 V. c.	
38—12 V. c. 97.	
Savings Banks, 4, 5 V. c. 32, as regards Banks men-	
tioned in sect. 70.	
Adamson, P., (late), sale of real estate authorized	698
Aggression, lawless, from Foreign Counties, protection of Lower	
Canada against.....	5, 6
“ “ “ of Upper Canada against.	7
Agriculture, Bureau of, Act respecting, amended	72
abuses prejudicial to, in L. C., Act amended.....	130
Arms, unlawful training to use of, to prevent	8
Assessment Laws, U. C., amended and consolidated	292
Preliminary provisions,—Interpretation of words.....	292, 3
Property liable to taxation—and exemptions.....	293
How rates shall be calculated, &c.....	295
Appointment of Assessors and Collectors.....	297
Assessments and Assessment Rolls.....	298
Non-resident lands.....	300
Assessment of personal property.....	301
Joint Owners, Trustées, &c., Notices, Return of Rolls....	302
Revision of, and Appeals from Assessments.....	304
Appeal from Court of Revision.....	307
Equalization of Valuation, by County Councils.....	310
Statute Labour, and Commutation of.....	311
Collections of rates, and duties of Collectors.....	314
Lists of lands granted by the Crown.....	317
Treasurers, Clerks and Assessors, duties of.....	“
Certifying lands five years in arrears for taxes.....	318
Liability of such lands to sale for taxes.....	“
Collection to belong to Treasurer only, his duties.....	320
Eight per cent to be added yearly.....	321

	PAGES.
Assessment Laws, U. C.—Cont.	
Sale of lands for taxes,—Warden's Warrant.....	322
What lands to be sold—List and Advertisement.....	323
Sale and certificate to purchaser, its effect.....	324
Treasurer's fees, costs, and expenses.....	325
Owner's power to redeem, within one year.....	326
Deed of sale, if not redeemed, registration, and effect....	"
Non-resident land fund, how formed, &c.....	327
Debentures on credit of the fund, provisions respecting..	328
Surplus how distributed, &c.,—Returns and Reports.....	329
Collection of taxes on non-resident lands in Cities, &c...	330
Responsibility and liability of Officers.....	"
Proceedings for enforcing the same.....	332
Responsibility of Local Municipalities for County moneys.	333
Proceedings for enforcing the same.....	334
Miscellaneous provisions,—Repealing clause.....	335
Attorneys at Law, U. C., Act respecting, amended.....	147
Audit Act, indemnity to Ministers for contravention of....	49
Auld, John, empowered to sell certain property of minors.....	705
Aylmer, Township, part of annexed to St. Vital de Lambton.....	423
BAIE (la) du Febvre, common of, Act continued.....	66
Bank of Upper Canada, charter further amended.....	458
of Canada, charter amended and name changed.....	459
of Northumberland, charter amended.....	461
of London, incorporated.....	462
of Simcoe, incorporated.....	476
Banks, surrender of circulation, and issue of Provincial Notes.....	51
Banks. See above, and also, Quebec Bank.....	66
Bankrupts, relief of in certain cases only, Acts continued.....	102
Bar of Lower Canada, Act respecting.....	102
Incorporation and corporate powers.....	103
Councils of sections and their officers.....	106
Meetings of the General Council.....	107
Accusations against members.....	110
Examination and admission to study or practice.....	113, 114
Annual subscriptions, and funds.....	115
Formation of new sections.....	117
Schedules of Forms.....	711
Bawden, J. R., admission of as Attorney and Solicitor in U. C....	444
Belleville, town, empowered to establish a cemetery.....	530
Belleville and Marmora Railway Company incorporated.....	645
Belleville Seminary, may confer degrees in Arts, &c.....	709
Bernard, Hewitt, admission, &c., as a Barrister in U. C.....	414
Berthier and Isle du Pads, to determine rights in commons of....	697
Besserer, Margaret, sale of land by, authorized.....	543
Bickell, W. J., empowered to build a bridge over the R. St. Charles.	
Bienheureux Alphonse de Rodriguez, Joliette, Municipality con-	
firmed.....	129
Bond, manufacture of certain articles in. See Excise.....	31
Boswell, H. J., Letters Patent to, for an invention, authorized.....	687
Bothwell, town incorporated and limits defined.....	446

	PAGES.
Bothwell Tram Road and Bridge Company incorporated	529
British and Canadian School Society, Montreal, charter amended..	654
Broughton Township, part of, annexed to St. Frederic.....	424
Bruce and Huron, By-law and debentures legalized.....	428
Buckingham, Township, concession line established.....	423
Buffalo and Lake Huron and Grand Trunk Railway Companies, Agreement legalized and confirmed	492
Capitalization of arrears Act.....	498
Bureau of Agriculture, Act respecting it, amended.....	72
Burgess, Hugh, Letters Patent to, for an invention, authorized.....	695
By lands, Ottawa, settlement of by C. Henderson, confirmed.....	706
 CANADA Central Railway, Acts amended.....	500
Canada Landed Credit Company, Charter amended.....	611
Canada Vine Growers Association incorporated.....	593
Canadian Loan and Investment Company, may sale certain lands and securities.....	611
Canadian Rubber Company of Montreal, incorporated.....	569
Canon of Synod of Diocese of Quebec, as to chapelries, &c., con- firmed.....	670
Church of England, further provision as to temporalities.....	68
Sale of Rectory Lands.....	69
Churches, Parishes, &c., L. C. Act respecting, amended.....	132
Cobourg, Peterborough and Marmora Railway and Mining Com- pany, incorporated.....	527
Code of Civil Procedure, L. C., Act respecting.....	78
College of Regiopolis, made a University, &c.....	636
St. Jerome, Berlin, incorporated.....	640
Ottawa made a University, &c.....	642
Commissioners Court Act, Lower Canada, amended.....	122
Common Law Procedure Act, U. C., amended.....	138
Security for costs—Interest on verdicts,—Equitable defences,— Suits pending out of U. C.—Execution against lands—Nulla bona.....	138-139
Common of Laprairie Act continued.....	66
La Baie du Febvre, “.....	“
Grosbois.....	“
Commons of Berthier and Isle du Pads, to determine rights in....	414
Court of Chancery, U. C., hearing of causes facilitated.....	134
Court of Impeachment, U. C., Act amended.....	133
Courts, Superior, U. C., Acts respecting, amended.....	135
Pensions to Judges.....	“
Terms and sittings in vacation.....	136
Courts of Assize and Nisi Prius.....	“
Crown debtors, U. C. law amended as to property bound.....	139
Crown and criminal procedure and evidence, U. C. law amended	137
Currency, issue of Provincial Notes authorized.....	51
Customs, Acts respecting, and Tariff of Duties amended.....	11
Crystal Lake Cemetery Company, incorporated.....	684
 DEFENCE, of the Province, works for, Act amended.....	74

	PAGES.
Desbarats, Geo., Will of, confirmed in Upper Canada.....	700
Dessaulles, L. A., and Jay, P. E., Letters Patent to, for inventions, authorized.....	688
Distillers. <i>See</i> Excise.....	28
Dogs and protection of Sheep in U. C., Act of 1865 repealed and new provisions substituted.....	339
Dresden Great Western Oil Company, incorporated.....	588
Duties of Customs, Act and Tariff amended.....	11
Excise, Acts amended and Duties altered.....	28
Duties, on documents registered in Lower Canada.....	120
 ECCLESIASTICAL Society of St. John, in R. C. diocese of Kingston, incorporated.....	 673
Education, Public, Con. Stat. L. C. cap. 15 amended.....	124
Egress from Public Buildings, to regulate the means of.....	75
Elections of members of the Legislature, Act amended.....	61
Electors, Parliamentary, qualification of.....	170
Entry for Customs, report may be made by Purser of Steamer.....	16
Excise, duties of, Acts amended and duties altered.....	28
 FENELON Falls, Minden, Haliburton and Northern Lakes Steam Navigation Company incorporated.....	 578
Foreign aggression, protection of inhabitants of L. C. against.....	5
“ “ “ U. C. against.....	7
Free Ports, abolished after 15th Sept. 1866.....	13
 GAGE H. M., assurances under her marriage contract, confirmed..	703
Gaols, unsafe, removal of prisoners, charged with felony, &c.....	140
Gaspé Bay South and York, divided into two municipalities.....	421
Globe Printing Company incorporated.....	601
Grand Trunk and Buffalo and Lake Huron Railway Cos. agree- ment legalized and confirmed.....	492
Grenville, Township, to settle boundary lines and titles in.....	457
Grosbois, Common of, Act continued.....	66
Gzowski, C. S., and Macpherson D. L. Letters Patent to, for an invention, authorized.....	692
 HABEAS CORPUS, suspension of in cases of lawless aggression..	3
“ “ law amended as to obtaining writ of, U. C... ..	141
Hamilton Debentures Act, 1864, amended.....	429
Hamilton Board of Trade, Act of incorporation amended.....	431
Hamilton and Port Dover Railway, Act revived.....	501
Harris, P. P., Letters Patent to for an invention, authorized.....	685
Hartford Oil Company may hold and convey certain lands.....	592
Hastings, registration of titles, Acts continued.....	67
Henderson, Charlotte, settlement By lands, Ottawa, confirmed....	706
Huron and Bruce, By-law and debentures legalized.....	428
Hudson, Vaudreuil, Protestant Burial Ground at, vested in Incum- bent and Church-wardens of St. James Church.....	683

	PAGES.
IBERVILLE, District, Act amended as respects water-courses, in...	425
Impeachment Court of U. C., Act amended.....	133
Indemnity to Ministers, &c.—for contravention of Audit Act.....	49
Indian Lands, title to certain, held in trust, confirmed.....	73
Inspection of leather, &c., Act amended.....	77
Institut Canadien Français of Ottawa, incorporated.....	651
—— des Artisans Canadiens de Montréal, incorporated.....	659
International Bridge Company, charter amended.....	542
Inventions, Patents for, Act amended.....	72
Ile du Pads and Berthier, to determine rights in commons of.....	414
 JACKSON, ROBERT, Will of, confirmed.....	702
Jay, P. E. and Dessaulles, L. A., Letters Patent to for inventions, authorized	688
Joint Stock Companies for Manufacturing, &c., Act amended.....	77
Joint Stock Companies, L. C. for Roads, &c., Act amended.....	133
Judgments, of Queen's Bench and Superior Court, L. C., to facilitate the rendering of.....	100
Judges of, Queen's Bench and Common Pleas, U. C., pensions to..	135
Justices of the Peace, U. C. Summary Convictions, &c.....	149
 LA CAISSE d'Économie de Notre-Dame de Québec, powers extended	622
—— d'épargnes de la Section St. Joseph de la Société de Tempérance de Montréal, incorporated.....	632
Laprairie, Common of, Act continued.....	66
Lawless aggression, protection of inhabitants of L. C., against.....	5
“ “ “ of U. C., do	7
Leather and raw hides, inspection of, Act amended.....	77
Legislative Council, postponement of Writs of election for.....	712
Letters Patent for inventions authorized in certain special cases:	
<i>See Harris—Rankin—Boswell—Jay and Dessaulles—Moore—Gzowski and Macpherson—Whelpley and Storer—Burgess.</i>	
Liberty of the subject, law amended as to Habeas Corpus, U. C....	140
Lincoln, County Town of, Act 25 V. c. 30, amended.....	426
London Board of Trade, incorporated.....	432
Long Point Company, incorporated.....	598
 MACPHERSON, D. L. and Gzowski, C. S. Letters Patent to for an invention authorized.....	692
McKay, Eliz. compensation for erroneous Patent, authorized.....	696
Manufacture of certain articles in bond. <i>See Excise</i>.....	31
Manufacturing, Mining &c., Companies, Act respecting amended.	77
Massawippi Valley Railway Company, charter amended.....	501
Masters and Servants, in Country parts of L. C. Act amended.....	131
Medical Act of Upper Canada amended.....	337
Members of the Legislature, Election of, Act amended.....	61
Mercantile Library Association, Montreal, incorporated.....	650
Militia, Volunteer, Act respecting amended.....	57
Montreal, incorporation Acts amended.....	342
Montreal Literary Club incorporated.....	657
Montreal Club incorporated.....	661

	PAGES.
Moore, P. H. Letters Patent to for an invention, authorized.....	691
Municipal Act of L. C. amended, as to Temperance By-laws.....	126
Municipal Institutions, U. C., Act respecting.	
Existing Municipalities, &c., continued,.....	150
Corporate names and governing bodies.....	151
New Municipalities how constituted, viz :	
Counties and Townships—Police Villages—Incorporated Villages—Cities and Towns.....	151 to 156
Withdrawal of Towns from County Jurisdiction.....	156
New Townships—Separation of United,—Annexation of—of Gores,—Seniority of United.....	157, 158
New Counties—Seniority of United—Venue, &c.....	158, 159
Provisional Corporations—and Separation of Junior Counties, and matters incident thereto.....	159 to 166
Municipal and Provisional Councils, of whom composed	166, 167
Qualification of Members and of Electors.....	168 to 170
Parliamentary Electors, qualification of.....	170
Municipal Elections,—First—Subsequent—Returning Officers—Nomination—Special Constables.....	171 to 174
Proceedings at,—in Townships—of Aldermen and Councillors in Cities and Towns.....	174 to 178
Of Mayors, Reeves and Deputy Reeves, in Cities and Towns	178 to 180
Duties of Mayors—Elections for filling Vacancies, &c..	181, 182
Controverted Elections, Trial of.....	182 to 185
Meetings of Councils—Election of Heads—(other than of Cities and Towns)—Presidents—Resignations, &c.	185 to 188
Officers of Corporations—Clerk—Chamberlain or Treasurer—Assessors and Collectors—Auditors—and their duties, salaries, declarations of office, offences by, &c.....	188 to 196
<i>Provisions applying to all Councils, viz :</i>	
Jurisdiction of.....	197
By-laws of Councils ;	
How authenticated—Opposition to by Rate payers—Proceedings when consent of Electors is required—of Governor in Council—When and how quashed—Promulgation of—Consequences of quashing—Offences against.....	197 to 203
Debentures, how made, transferred, &c.....	203 to 204
Restrictions on Councils,—Mandamus (costs of)—Executions against Municipal Corporations.....	204 to 206
Debts and Rates for paying them, viz :	
By-laws for creating debts, restrictions and provisions—Purchase of Public Works,—Accounts—Investment and appropriation of surplus—By-law when repealable,—When Rate may be reduced—Anticipatory Appropriations—Report of debts to Governor—Commission of Inquiry as to Municipal Finances...	206 to 214

Municipal Institutions, U. C.—Cont.

Provisions applying to all except Provisional Corporations, viz :

By-laws for acquiring Property—Appointing certain Officers—Aiding Agricultural, &c., Societies—Taking Census—Imposing fines and penalties... 206 to 216

Provisions applicable to Townships, Cities, Towns and Incorporated Villages, viz :

Public Health..... 216

By-laws respecting Licenses to sell—or for prohibiting the sale of Spirituous Liquors—Inspectors of Licenses for—Billiard Tables, &c.,—Disorderly Inns—Landmarks and Boundaries..... 217 to 224

By-laws respecting Gas and Water Companies, and for divers purposes..... 224 to 226

Payment of Councillors in *Townships and Counties*..... 226

Municipal Appropriations in aid of Education, and Investments..... 226 to 227

Electoral Divisions in *Cities, Towns, Townships and Incorporated Villages*..... 228

Powers of *Townships*, as to—Poor—Water-courses—Drainage..... 229 to 231

Powers of *Counties, Cities and Towns*, as to—Weights and Measures,—Public Morals..... 231 to 232

Powers of *Counties, Cities and Towns separated from Counties*, as to—Corporation Engineers, &c.—Hawkers—Auctioneers—Ferries,—Grammar Schools.... 232 to 234

Powers of *Counties only*, as to—Separate Improvements by one or more of United Counties..... 234 to 235

Powers of *Cities, Towns and Incorporated Villages*, as to—Harbours, Rivers, Docks—Water—Markets—Nuisances—Public Health—Burials—Licenses—Gunpowder—Fires—Snow, &c.,—Numbering Houses—Drainage, Transient-Traders, &c..... 235 to 240

Powers of *Cities and Towns*, as to—Intelligence offices—Wooden Buildings—Police—Industrial Farm, &c.—Alms-houses—Corporation Surveyor—Gas and Water..... 240 to 243

Powers of *Cities only*, as to Local Improvements..... 243 to 246

Provisions applying to Police Villages only ;—

Duties of Trustees—Public Health—Fire—Gunpowder—Nuisances..... 246 to 249

Roads, Bridges, Drains, Water-courses, &c., viz :

Highways what—Jurisdiction of Municipalities—Restrictions of—Opening and closing Roads—Compensation for land taken—Titles to—Joint Jurisdiction. 249 to 253

Powers of *Townships, Towns and Incorporated Villages*, (Statute Labour)..... 253

Powers of *all Councils (except Provisional)*, respecting, Roads, &c..... 253 to 256

Municipal Institutions, U. C.—Cont.

Powers of <i>Cities, Towns, and Incorporated Villages</i> , respecting Roads.....	256, 257
Roads on County and Township Boundaries.....	257 to 259
Powers of <i>Counties</i> , respecting.....	259 to 262
Powers of <i>Townships</i> , respecting.....	262 to 264
Roads opened on private property.....	264.
Powers of <i>all Councils except provisional</i> , for taking stock in and aiding Railway Companies.....	264 to 265
Arbitrations under this Act.....	265 to 268
Pounds, and Animals running at large, impounded, &c..	268 to 274
Administration of Justice and Matters of Police, viz:	
Cities to be Counties—Justices of the Peace—Convic- tions under By-laws—Police Office—Recorders and Police Magistrates and their Courts—Clerk, Sessions, and Expenses of Recorders' Courts—Investigations by Recorder—City Division Court—Jurors and Wit- nesses—High Bailiffs and Constables—Board of Police—Policemen, &c.....	274 to 282
Court Houses and Gaols—Lock-up-Houses—Houses of Industry and Refuge—Work-Houses.....	282 to 286
General Provisions, viz:	
False Declarations—Interpretation Clause—Confirming and Saving Clauses—Commencement of this Act— and Distribution of Extra Copies	286 to 288
NAPANEE River , Act for the improvement of.....	454
Nepissing District , appointment of Registrar in.....	146
New Edinburgh , Village, incorporated.....	450
New York and Canada Oil Company , may hold and convey certain lands.....	590
North Shore Railway, &c. , time for completing works extended...	500
Notre-Dame de Québec , Act incorporating Curé amended.....	674
ORANGEVILLE Tramway Company incorporated.....	535
Ottawa City Passenger Railway Company incorporated.....	539
Ottawa Natural History Society incorporated.....	652
PARISHES , Churches, &c., L. C., Act respecting, amended.....	132
Parliamentary electors , qualification of.....	170
<i>And see Elections</i>	61
Patents for Inventions , Act amended,.....	72
Patents for Inventions . See Letters Patent.	
Peel and York, Counties , Act to complete separation of.....	427
Peterborough and Chemong Lake Railway , sale authorized, &c...	502
Pierreville Steam Mills Company incorporated.....	583
Port Hope, Lindsay and Beaverton Railway Company , charter amended.....	504
Post Office Act amended.....	55
Presbyterian Congregation , Woodstock, power to sell certain lands.	681
Prisoners , charged with treason or felony, U. C., removal of.....	140
Procedure and Evidence , in Crown and Criminal cases, U. C.....	137
Provincial Notes , issue of authorized.....	51

	PAGES.
Public Buildings, to regulate means of egress from.....	75
Public Health, (Trinity House, Montreal), Act continued.....	66
QUEBEC, incorporation of, Act of 1865 amended, &c.....	347
Trinity House, powers of extended.....	373
Bank, charter further amended.....	458
Fire Assurance Company, charter amended.....	613
Marine Insurance Company, charter amended.....	614
Canon of Synod of Diocese, as to chapelries, &c., confirmed.....	670
Queen's Bench and Superior Court, L. C., rendering of judgments facilitated.....	100
RAILWAYS,—See Grand Trunk—Buffalo and Lake Huron—Canada Central—North Shore—Massawippi Valley—Hamilton and Port Dover—Peterborough and Chemung Lake—Port Hope, Lindsay and Beaverton—South Eastern Counties Junction—Waterloo, Magog and Stanstead—Belleville and Marmora—Cobourg, Peterboro' and Marmora—Bothwell Tram Road—Orangeville Tramway—Ottawa City Passenger.	
Rankin, A., Letters Patent to, for an invention, authorized.....	686
Reach, Township, roads in, Act 25 V. c. 40, extended.....	453
Recorders, U. C., to hold office during good behaviour.....	146
Rectory Lands, to provide for the sale of.....	69
Regiopolis, College of, constituted an University, &c.....	636
Registry Laws, L. C., to provide funds for expenses.....	120
Rogers, John, naturalized.....	712
Rossin House Hotel Company, incorporated.....	608
Roxton Mining Company, incorporated.....	586
Royal College of Physicians and Surgeons, of Kingston, incorporated.	648
ST. BONAVENTURE, County of Drummond, made a Municipality	412
St. Charles River, Quebec, Bickell's Bridge over.....	543
St. Etienne de Beauharnois, Municipality of, erected.....	419
St. Hyacinthe, New Bridge Company incorporated.....	550
St. James Church, Toronto, lands vested in Rector and Church Wardens.....	675
St. Lawrence Tow Boat Company, charter amended.....	571
St. Lawrence Navigation Company incorporated.....	572
St. Ours, Town of, incorporated.....	376
St. Patrick's Hall Association incorporated.....	663
Asylum of Ottawa incorporated.....	667
St. Paul's Church Montreal, sale of land authorized.....	678
St. Vincent, Township, to construct a harbour on Bighead River..	441
Savings Banks, Act 4, 5 V. c. 32, continued as to certain Banks..	68
And see La Caisse d'Economie N. D. de Québec.....	682
La Caisse d'Epargnes, &c., de Montréal.....	632
School Act of L. C. amended as to obtaining sites for schools.....	124
Seignorial Act explained.....	123

	PAGES.
Sheep, protection of, in U. C., Act of 1865 repealed and new provisions substituted.....	339
Smart, W. L., admission of, as a Barrister in U. C.....	710
South Eastern Counties Junction Railway Company incorporated.....	507
Spirits, duties of excise on.....	28
Spirituous liquors, Municipal Act of L. C. amended, as to By-laws for prohibiting sale of.....	126
Cap. 9, Con. Stat. L. C. (Tavernkeepers) amended.....	131
Steel, Iron and Railway Works Company incorporated.....	558
Storer, J. J. and Whelpley, J. D., Letters Patent to, for an invention, authorized.....	693
Stratford, Town, consolidation of Debt of.....	439
Summary convictions, U. C., Law amended.....	149
Supplies and appropriations for 1866-7.....	35
Synod of Diocese of Quebec, Canon confirmed.....	670
 TARIFF of Duties of Customs amended.....	 11
Tavern-Keepers, cap. 6 Con. Stat. L. C., amended.....	131
Temperance, Municipal Act of L. C. amended as to By-laws for promoting	126
Temporalities of Church of England and Ireland.....	68
Three Rivers, Act incorporating the City, amended.....	374
Toronto, City, certain assessments legalized.....	429
St. James Church, lands vested in Rector, &c.....	675
Training unlawful Military to prevent.....	8
Treason, suspension of Habeas Corpus, cases of.....	3
Trinity-House, Quebec, powers of extended.....	373
Trinity-House, Montreal (Public Health) Act continued.....	66
 UNION Insurance Company of Canada, incorporated.....	 615
Unorganized Tracts, U. C. Registrar to be appointed, in Nepissing..	146
Ursuline Academy of Chatham, incorporated.....	655
 VIEW by Jurors, U. C. law amended respecting	 145
Volunteer Militia Force, Act respecting, amended	57
 WAWANOSH, Township, divided into two Municipalities	 452
Waterloo, Magog and Stanstead Railway Co., incorporated.....	514
Wesleyan Methodist Church, Queen street, Toronto, placed under "Model Deed," &c.....	679
Western Counties Permanent Building and Savings Society, amalgamation with Huron and Erie Savings and Loan Society, authorized.....	634
Whelpley, J. D., and Storer, J. J., Letters Patent to for an invention, authorized	693
Wickham, Township, divided into two Municipalities	413
Woodstock, Presbyterian Congregation, to sell certain lands.....	681
Wyoming Petroleum Company may hold and convey certain lands.....	591
 YORK AND GASPÉ BAY SOUTH, divided into two Municipalities	421
and Peel, Counties, Act to complete separation of.....	427



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